

Exhibit 1



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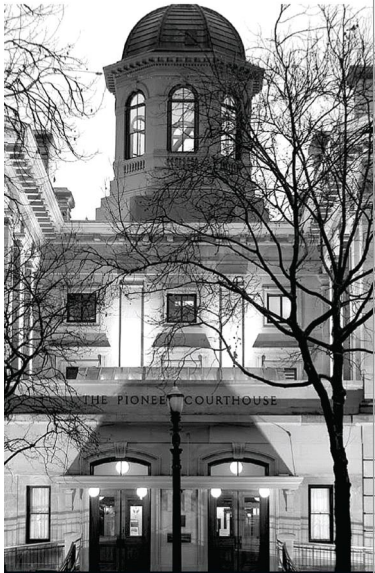
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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

MARTIN J. WALSH, SECRETARY OF LABOR,

Petitioner,

Vs.

CASE NO.: 3:16-CV-02293-HZ

SENVOY, LLC; DRIVER RESOURCES, LLC;
ZOAN MANAGEMENT, INC.; and
GERALD E. BRAZIE, JR.,

Respondents.

DEPOSITION OF

GERALD E. BRAZIE, JR.

**TAKEN ON
THURSDAY, OCTOBER 14, 2021
9:05 A.M.**

**620 SOUTHWEST MAIN STREET, ROOM 419
PORTLAND, OREGON 97205**

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| 2 | 4 |
| 1 APPEARANCES | 1 EXHIBITS |
| 2 | 2 Exhibit Page |
| 3 Appearing on behalf of the Petitioner: | 3 |
| 4 NORMAN E. GARCIA, ESQUIRE | 4 1 PERSONAL FINACIAL STATEMENT 30 |
| 5 U.S. Department of Labor | 5 06-30-2021 |
| 6 90 Seventh Street, Suite 3700 | 6 |
| 7 San Francisco, CA 94103 | 7 2 DECLARATION OF FINANCIAL 37 |
| 8 (415) 625-7747 | 8 STATUS |
| 9 (415) 625-7772 (Fax) | 9 |
| 10 Garcia.norman@dol.gov | 10 3 STATEMENT SUMMARY 41 |
| 11 | 11 |
| 12 Appearing on behalf of the Respondents. | 12 4 06-30-2021 REAL PROPERTY TAX 49 |
| 13 CHARLES J. PATERNOSTER, ESQUIRE | 13 STATEMENT |
| 14 Parsons Farnell and Grein LLP | 14 |
| 15 1030 Southwest Morrison Street | 15 5.5 OREGON PROPERTY RECORDS 55 |
| 16 Portland, OR 97205 | 16 |
| 17 (503) 222-1812 | 17 6 POINTWEST CREDIT UNION ACCOUNT 86 |
| 18 (503) 274-7979 (Fax) | 18 |
| 19 cpaternoster@pfglaw.com | 19 7 CORPORATE BANKING STATEMENT 106 |
| 20 | 20 |
| 21 ALSO PRESENT: | 21 8 COLUMBIA BANK STATEMENT OF 110 |
| 22 Michael Mortland, U.S. Department of Labor | 22 ACCOUNT |
| 23 | 23 |
| 24 | 24 9 CORPORATE BANKING STATEMENT 114 |
| 25 | 25 04-30-2020 |
| 3 | 5 |
| 1 INDEX | 1 EXHIBITS CONTINUED |
| 2 Page | 2 Exhibit Page |
| 3 | 3 |
| 4 EXAMINATION BY MR. GARCIA 8 | 4 10 PAYMENT INFORMATION 05-12-2020 117 |
| 5 | 5 |
| 6 | 6 11 PAYMENT INFORMATION 05-14-2020 121 |
| 7 | 7 |
| 8 | 8 12 PAYMENT INFORMATION 08-10-2021 125 |
| 9 | 9 |
| 10 | 10 13 PAYMENT INFORMATION 09-10-2021 132 |
| 11 | 11 |
| 12 | 12 14 CORPORATE BANKING STATEMENT 137 |
| 13 | 13 DATED 06-30-2020 |
| 14 | 14 |
| 15 | 15 15 DECLARATION OF GERALD E. 142 |
| 16 | 16 BRAZIE |
| 17 | 17 |
| 18 | 18 16 12-31-2020 GENERAL LEDGER 148 |
| 19 | 19 |
| 20 | 20 18 12-31-2020 GENERAL LEDGER 152 |
| 21 | 21 |
| 22 | 22 17 Exhibit 17 153 |
| 23 | 23 |
| 24 | 24 19 08-31-2021 GENERAL LEDGER 154 |
| 25 | 25 |

| | |
|---|---|
| <p style="text-align: right;">6</p> <p>1 EXHIBITS CONTINUED</p> <p>2 Exhibit Page</p> <p>3</p> <p>4 20 08-31-2021 GENERAL LEDGER 155</p> <p>5</p> <p>6 22 PROPERTY ACCOUNT SUMMARY 52</p> <p>7</p> <p>8 23 12-31-2020 GENERAL LEDGER 176</p> <p>9</p> <p>10 24 08-31-2021 GENERAL LEDGER 181</p> <p>11</p> <p>12 100 SCAN OF CHECK 19</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p style="text-align: right;">8</p> <p>1 GERALD E. BRAZIE, JR., having been first duly sworn,</p> <p>2 was examined and testified as follows:</p> <p>3 EXAMINATION</p> <p>4 BY MR. GARCIA:</p> <p>5 Q. Good morning, Mr. Brazie.</p> <p>6 A. Good morning.</p> <p>7 Q. Please state your full name for the</p> <p>8 record.</p> <p>9 A. Gerald Edward Brazie, Jr.</p> <p>10 Q. Please spell your first and last name.</p> <p>11 A. G-E-R-A-L-D B-R-A-Z-I-E.</p> <p>12 Q. Please state your full legal name for the</p> <p>13 record.</p> <p>14 A. Gerald Edward Brazie, Jr.</p> <p>15 Q. Mr. Brazie, what I'm going to do today is</p> <p>16 I'm going to go over -- I know that you've taken --</p> <p>17 we've taken your deposition before but it's been a</p> <p>18 couple of years. I will go over the rules of the</p> <p>19 deposition and then we'll get into the questions. I</p> <p>20 will show you documents. I will have the court</p> <p>21 reporter mark the documents. I will also give a</p> <p>22 copy to your counsel and then I will ask you</p> <p>23 questions about them.</p> <p>24 Now, you've been sworn in by a court</p> <p>25 reporter the same oath, and given an oath and taken</p> |
| <p style="text-align: right;">7</p> <p>1 DEPOSITION OF</p> <p>2 GERALD E. BRAZIE, JR.</p> <p>3 TAKEN ON</p> <p>4 THURSDAY, OCTOBER 14, 2021</p> <p>5 9:05 A.M.</p> <p>6</p> <p>7 THE REPORTER: The time is 9:05 a.m. We</p> <p>8 are now on the record.</p> <p>9 Mr. Brazie, can I please have you raise</p> <p>10 your right hand?</p> <p>11 Do you solemnly swear or affirm under the</p> <p>12 penalty of perjury that the testimony you're about</p> <p>13 to give will be the truth, the whole truth, and</p> <p>14 nothing but the truth?</p> <p>15 MR. BRAZIE: I do.</p> <p>16 THE REPORTER: Perfect.</p> <p>17 And counsel, for the record, please state</p> <p>18 your names and whom you represent.</p> <p>19 MR. PATERNOSTER: My name is Chip</p> <p>20 Paternoster. I represent all defendants in this</p> <p>21 action.</p> <p>22 MR. GARCIA: My name is Norman Garcia,</p> <p>23 Office of Solicitor for the Secretary of Labor,</p> <p>24 United States Department of Labor.</p> <p>25 THE REPORTER: Counsel, you may proceed.</p> | <p style="text-align: right;">9</p> <p>1 an oath, the same oath that you would do in the</p> <p>2 court of law. The court reporter is going to</p> <p>3 transcribe everything you say. Because this</p> <p>4 testimony is being transcribed, it's important that</p> <p>5 you answer orally with words as opposed to sounds</p> <p>6 like uh-huh, unh-unh or gestures, like shaking your</p> <p>7 head, shrugging your shoulders.</p> <p>8 As the court reporter just identified,</p> <p>9 because it's oral testimony that's being</p> <p>10 transcribed, it's important that only one person</p> <p>11 talk at a time. Now, even though he said that and I</p> <p>12 said that, inevitably during the course of the</p> <p>13 deposition someone is going to do that because you</p> <p>14 anticipate an answer or I thought you were done</p> <p>15 answering, whatever. So please try to keep that at</p> <p>16 a minimum.</p> <p>17 This is not an endurance contest. I don't</p> <p>18 have bright lights behind me, you know, shining in</p> <p>19 your face trying to blind you. If you need to take</p> <p>20 a break, then please ask and we will take a break.</p> <p>21 You can take a break because you need to go to the</p> <p>22 restroom, smoke a cigarette, or you just need a</p> <p>23 break.</p> <p>24 The only exception to that is if I'm in</p> <p>25 the middle of a question and there's a question</p> |

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| <p style="text-align: right;">14</p> <p>1 Q. You said your assistant Brooke pays the 2 rent. 3 A. Mm-hmm. 4 Q. How did that come about? 5 A. She pays all of my bills. 6 Q. Your personal bills? 7 A. Yes. 8 Q. And from what accounts does she pay your 9 personal bills? 10 A. I don't know. 11 Q. Who is she employed by? 12 A. ZoAn Management. 13 Q. Does she have authority over your personal 14 bank accounts? 15 A. I don't know. 16 Q. You don't know if she has authority over 17 your personal bank accounts; is that a correct 18 understanding? 19 A. Yes. 20 Q. On August 24, there was a hearing held in 21 Portland; correct? 22 A. Yes. 23 Q. And at that hearing the court found you in 24 contempt; correct? 25 A. Yes.</p> | <p style="text-align: right;">16</p> <p>1 Q. Does Brooke pay your credit card bills? 2 A. Yes. 3 Q. Did you look at the documents that I 4 provided to the court? 5 A. Yes. 6 Q. And did you see that Senvoy was paying 7 your credit card bills? 8 A. Yes. 9 Q. Does that refresh your memory of what 10 account is used to pay your bills? 11 A. I don't know which account is used to pay 12 what bill. 13 Q. Does that refresh your memory as to what 14 company pays your bill? 15 A. I can assume which company does. I don't 16 know. 17 Q. Well, if you looked at the documents I 18 provided, it identified that Senvoy was paying your 19 bills; correct? 20 A. Yes. 21 Q. And at the court, I identified that you 22 were using Senvoy as your piggybank -- strike that. 23 At the court hearing on August 24th, I 24 identified that Senvoy -- or correction. Start over 25 again.</p> |
| <p style="text-align: right;">15</p> <p>1 Q. And at that court hearing the court 2 ordered the debtor's exam that we're in today; 3 correct? 4 A. Yes. 5 Q. And at that hearing the court ordered you 6 -- or strike that. 7 At the hearing the court ordered you to 8 produce documents and later that day it ordered them 9 to be produced by September 24th; correct? 10 A. Yes. 11 Q. And at that hearing the court admonished 12 you to give full and complete disclosure; correct? 13 A. Yes. 14 Q. And as you sit here today, you're saying 15 you don't know what account is used to pay your 16 personal bills; correct? 17 A. Correct. 18 Q. And is it all of your personal bills? 19 A. Yes. 20 Q. And how is it that she receives your 21 personal bills, Brooke? 22 A. I don't know. 23 Q. Do you personally pay any of your personal 24 bills? 25 A. No.</p> | <p style="text-align: right;">17</p> <p>1 On August 24th, at the hearing, I 2 identified that Senvoy was being used as a piggybank 3 to pay your bills; correct? 4 A. Yes. 5 Q. Did you ever look into that? 6 A. No. 7 Q. Why not? 8 A. I didn't. 9 Q. And I'm asking you why? 10 A. No reason. I didn't. 11 Q. Did you have any reason to doubt what I 12 said? 13 A. No. 14 Q. Did you look at the documents that were 15 provided to me since that hearing? 16 A. Yes. 17 Q. Did you look at the general ledgers? 18 A. No. 19 Q. What documents did you look at? 20 A. I looked at most of what went, 21 specifically on the general ledgers, I didn't. It 22 was just so voluminous. 23 Q. Did you look at the credit card 24 statements? 25 A. In detail? No.</p> |

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| <p>18</p> <p>1 Q. Did you look at the credit card statements</p> <p>2 to identify who was paying your personal bills?</p> <p>3 A. No.</p> <p>4 Q. Is there any bills that Brooke does not</p> <p>5 pay?</p> <p>6 A. Not that I'm aware of. No.</p> <p>7 Q. And did you authorize Bill to pay -- or</p> <p>8 strike that.</p> <p>9 Did you authorize Brooke to pay your</p> <p>10 personal bills?</p> <p>11 A. Yes.</p> <p>12 Q. Did you instruct her to pay your personal</p> <p>13 bills?</p> <p>14 A. Yes.</p> <p>15 Q. Did you instruct her on what accounts to</p> <p>16 use to pay your personal bills?</p> <p>17 A. No.</p> <p>18 Q. And you don't know whether -- strike that.</p> <p>19 You had personal bank accounts; correct?</p> <p>20 A. Yes.</p> <p>21 Q. What banks do you have them in?</p> <p>22 A. Columbia Bank. I believe they're at</p> <p>23 Columbia Bank.</p> <p>24 Q. And do you know how much money has been in</p> <p>25 Columbia Bank?</p> | <p>20</p> <p>1 A. 5-20-20.</p> <p>2 Q. What is the amount of the check?</p> <p>3 A. \$30,000.</p> <p>4 Q. So you signed a check from Columbia Bank</p> <p>5 in the last two years; correct?</p> <p>6 A. I did. Yes.</p> <p>7 Q. That's quite a big check, \$30,000;</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. Why did you write that check?</p> <p>11 A. This is my insurance broker who loaned me</p> <p>12 the money to -- a couple years ago to make my down</p> <p>13 payment for my insurance.</p> <p>14 Q. Did you also buy a Ford Shelby from this</p> <p>15 person?</p> <p>16 A. No.</p> <p>17 Q. Who is the B. Ludwick that you bought the</p> <p>18 Ford Shelby from, or who is the second credit?</p> <p>19 A. That's this Brian Ludwick and he has the</p> <p>20 Shelby as additional collateral.</p> <p>21 Q. Okay. And how much of a loan did you take</p> <p>22 from Mr. Ludwick?</p> <p>23 A. I'm sorry?</p> <p>24 Q. How much of a loan did you take from Mr.</p> <p>25 Ludwick?</p> |
| <p>19</p> <p>1 A. No.</p> <p>2 Q. Do you know whether it's been more than</p> <p>3 \$1,000?</p> <p>4 A. I don't.</p> <p>5 Q. Have you written any checks in Columbia</p> <p>6 Bank within the last two years?</p> <p>7 A. I have not. No.</p> <p>8 Q. Have you signed any checks from Columbia</p> <p>9 Bank within the last two years?</p> <p>10 A. I don't know.</p> <p>11 MR. GARCIA: I'm going to go out of order,</p> <p>12 Court Reporter.</p> <p>13 Can you mark this document as Exhibit 100?</p> <p>14 THE REPORTER: Yes, sir.</p> <p>15 It's been marked as such, sir.</p> <p>16 (WHEREUPON, Exhibit 100 was marked for</p> <p>17 identification.)</p> <p>18 BY MR. GARCIA:</p> <p>19 Q. Mr. Brazie, I want you to look at the</p> <p>20 bottom check on Exhibit 100.</p> <p>21 Do you recognize that check.</p> <p>22 A. Yes.</p> <p>23 Q. Did you sign that check?</p> <p>24 A. Yes.</p> <p>25 Q. What is the date of the check?</p> | <p>21</p> <p>1 A. I don't remember the exact amount.</p> <p>2 Q. Are you still paying on that loan?</p> <p>3 A. I am.</p> <p>4 MR. GARCIA: Counsel, the loan wasn't</p> <p>5 provided to me.</p> <p>6 Do you acknowledge that, counsel?</p> <p>7 THE WITNESS: I believe it's on there as</p> <p>8 -- on the personal financial statement. I believe</p> <p>9 it's got an amount owed but I can't remember.</p> <p>10 BY MR. GARCIA:</p> <p>11 Q. I'm talking about the actual document of</p> <p>12 the loan --</p> <p>13 A. There is no document. It's a handshake</p> <p>14 agreement.</p> <p>15 Q. A handshake agreement?</p> <p>16 A. Correct.</p> <p>17 Q. And how much was this handshake agreement</p> <p>18 for?</p> <p>19 A. Specifically, I don't remember. I don't</p> <p>20 know.</p> <p>21 Q. I see. So you have a handshake agreement</p> <p>22 that you paid \$30,000 on and you don't remember what</p> <p>23 the amount of the agreement was?</p> <p>24 A. I don't.</p> <p>25 Q. So how do you know you owe him more money?</p> |

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| <p style="text-align: right;">22</p> <p>1 A. It's -- we have it documented what we owe.</p> <p>2 Q. And where is it documented?</p> <p>3 A. I don't know.</p> <p>4 Q. So you're saying -- then why didn't you</p> <p>5 produce the document of what you owe?</p> <p>6 A. I don't know why we would not.</p> <p>7 MR. GARCIA: Counsel this amount of this</p> <p>8 loan, the document of this loan and how much is owed</p> <p>9 has not been produced.</p> <p>10 MR. PATERNOSTER: I'm not sure there is a</p> <p>11 document.</p> <p>12 MR. GARCIA: He just -- he just told me.</p> <p>13 THE WITNESS: There is no document for the</p> <p>14 loan.</p> <p>15 MR. GARCIA: He just told me</p> <p>16 THE WITNESS: there is no document for the</p> <p>17 loan. There would be documentation for what I owe</p> <p>18 him in the financials.</p> <p>19 BY MR. GARCIA:</p> <p>20 Q. Is that in the personal financial</p> <p>21 statement you produced; do you know?</p> <p>22 So the Ford Shelby that you gave as</p> <p>23 collateral, when did you give it as collateral?</p> <p>24 A. Probably around 2018.</p> <p>25 Q. And is there any document that's showing</p> | <p style="text-align: right;">24</p> <p>1 Q. Have you written any other checks on</p> <p>2 Columbia Bank?</p> <p>3 A. I don't know.</p> <p>4 Q. Do you write checks on Columbia Bank</p> <p>5 often?</p> <p>6 A. I do not. No.</p> <p>7 Q. And you don't know if Brooke has signatory</p> <p>8 authority over your Columbia Bank account; right?</p> <p>9 A. I don't know if she does on my personal</p> <p>10 account; correct.</p> <p>11 Q. So I understand -- I'm just going to</p> <p>12 summarize what I understand that you just -- I'm</p> <p>13 going to go back to the house or the location that</p> <p>14 you're renting.</p> <p>15 Is that a house, a townhouse, a</p> <p>16 condominium?</p> <p>17 A. A house.</p> <p>18 Q. How many acres?</p> <p>19 A. It's on a lot.</p> <p>20 Q. Thank you. And again, you can estimate</p> <p>21 what it is.</p> <p>22 So my understanding is you're renting a</p> <p>23 house on a lot in Franklin, Tennessee. You don't</p> <p>24 know how much the rent is, you don't know who the</p> <p>25 rent is being paid to, you don't know who is paying</p> |
| <p style="text-align: right;">23</p> <p>1 that it's been given as collateral?</p> <p>2 A. No.</p> <p>3 Q. Does Mr. Ludwick have any ownership</p> <p>4 interest in the Ford Shelby?</p> <p>5 A. No.</p> <p>6 Q. What's stopping you from taking the Ford</p> <p>7 Shelby back?</p> <p>8 A. I still owe him however much I do.</p> <p>9 Q. Right. But there's no documentary record</p> <p>10 of that; correct?</p> <p>11 A. Correct.</p> <p>12 Q. Any other?</p> <p>13 A. Other than he holds the title I should</p> <p>14 say. He has the title.</p> <p>15 Q. He has the title?</p> <p>16 A. Yes.</p> <p>17 Q. Is the title in his name?</p> <p>18 A. No.</p> <p>19 Q. But you can go to a DMV and get another</p> <p>20 copy of the title; correct?</p> <p>21 A. I could.</p> <p>22 Q. So him having the title has no legal of</p> <p>23 consequence; correct?</p> <p>24 A. No. Legally, no. Functionally, yes;</p> <p>25 legally, no.</p> | <p style="text-align: right;">25</p> <p>1 the rent. Is that a correct understanding?</p> <p>2 A. I believe the rent is \$4,000.</p> <p>3 Q. Okay. Is everything else correct in what</p> <p>4 I just said?</p> <p>5 A. Yes.</p> <p>6 Q. When did you move to Tennessee?</p> <p>7 A. November of 2020.</p> <p>8 Q. Before or after you signed the declaration</p> <p>9 of financial status that you provided to me through</p> <p>10 your counsel?</p> <p>11 A. I don't know.</p> <p>12 Q. Now, when you moved to Tennessee, what</p> <p>13 mode of transportation did you use?</p> <p>14 A. I drove.</p> <p>15 Q. Okay. Were you working while you were</p> <p>16 driving?</p> <p>17 A. Yes.</p> <p>18 Q. So how did that work? Were you</p> <p>19 dispatching drivers while you were driving?</p> <p>20 A. Much of what I do when I'm not dispatching</p> <p>21 and when I am dispatching is on the phone.</p> <p>22 Q. So you --</p> <p>23 A. So on an average day I'll be on the phone</p> <p>24 for five or six hours.</p> <p>25 Q. So you were driving -- so you were on the</p> |

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| <p style="text-align: right;">26</p> <p>1 phone while you were driving cross country from 2 Portland to Tennessee? 3 A. Yes. 4 Q. And is that your personal phone? 5 A. No. 6 Q. Is that a business phone? 7 A. Yes. 8 Q. What is the telephone number of that 9 phone? 10 A. (503) 209-2000. 11 Q. And you said that's a business phone. 12 Which company of yours controls that phone? 13 A. Senvoy. 14 Q. So Senvoy would have phone records for 15 that phone; correct? 16 A. Yes. 17 Q. And these records would show you being on 18 the phone five to six hours a day? 19 A. I don't know that it would show five or 20 six hours in total minutes. It would show sporadic 21 calls throughout the day. 22 Q. Now, before we identified that there was a 23 court hearing on August 24 and the court ordered you 24 to produce documents; correct? 25 A. Yes.</p> | <p style="text-align: right;">28</p> <p>1 Q. And why is that? 2 A. It would surprise me to know that it was 3 800 pages. 4 Q. That much? 5 A. Yes. 6 Q. Okay. It's less than that. 7 MR. PATERNOSTER: Seven sixty five. 8 MR. GARCIA: I just rounded. 9 BY MR. GARCIA: 10 Q. And subsequent to that date you produced 11 over 6,000 or 6,300 more pages on September 30; 12 correct? 13 A. Yes. 14 Q. Why didn't you produce those -- strike 15 that. 16 And those pages were documents like 17 general disclosures and further bank statements, 18 things of that nature; correct? 19 A. Yes. 20 Q. Why didn't you -- strike that. 21 Why weren't these documents produced on 22 September 24th? 23 A. Without clear instructions on exactly what 24 is being asked for, I gave you everything that in 25 any other insurance in my 25 years of business</p> |
| <p style="text-align: right;">27</p> <p>1 Q. And the court admonished you to have full 2 and complete disclosure; correct? 3 A. Yes. 4 Q. And at the hearing I voiced concern that 5 documents would not be fully disclosed; correct? 6 A. Yes. 7 Q. And the court doubled down, if you will, 8 to admonish you to have full and complete 9 disclosure; correct? 10 A. Yes. 11 Q. And instructed you to provide all the 12 financial records; correct? 13 A. Yes. 14 Q. Okay. And on, excuse me, do you know on 15 August -- correction. And so the court in written 16 order gave you 30 days to produce documents; 17 correct? 18 A. I believe so. Yes. 19 Q. And do you know how many pages of 20 documents were produced on September 24 by your 21 counsel to me? 22 A. I don't. 23 Q. Would it surprise you to know that it was 24 less than 800 pages? 25 A. It would not.</p> | <p style="text-align: right;">29</p> <p>1 experience when someone asks me for my financial 2 disclosures and information I provided all of that 3 to you. That's my only experience providing 4 financial information so I went off of that from 5 that perspective. 6 Q. But the court ordered you for all 7 financial documents, not just financial disclosure 8 documents; correct? 9 A. Yes. From a business perspective, I 10 provided you everything that we would call financial 11 information, from my perspective. 12 Q. So you don't call general ledgers 13 financial information from your perspective? 14 A. It wouldn't be -- it wouldn't be something 15 that I would -- that I would, that you would provide 16 when someone asks for a financial package. 17 Q. Okay. But you understand I wasn't -- the 18 court wasn't asking you for a financial package. 19 The court was ordering you to produce all financial 20 documents; correct? 21 A. I do now. Yes. 22 Q. And subsequent to September 30th, you also 23 produced documents that were produced to me on 24 October 11th and October 12th; correct? 25 A. Yes.</p> |

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| <p style="text-align: right;">30</p> <p>1 Q. And those included American Express bank 2 statements? 3 A. Yes. 4 MR. GARCIA: Court Reporter, please mark 5 this next document as Exhibit 1. 6 THE REPORTER: Exhibit 1, sir? 7 MR. GARCIA: Yes. 8 THE REPORTER: It's been marked as such. 9 MR. GARCIA: Please provide it to the 10 witness. 11 THE REPORTER: Yes, sir. 12 (WHEREUPON, Exhibit 1 was marked for 13 identification.) 14 BY MR. GARCIA: 15 Q. Mr. Brazie, do you recognize that 16 document? 17 A. Yes. 18 Q. What is it? 19 A. My personal financial statement. 20 Q. Did you help to prepare that? 21 A. Yes. 22 Q. Is the information on it true and correct? 23 A. I believe so. 24 Q. Is the information on it complete? 25 A. I believe so.</p> | <p style="text-align: right;">32</p> <p>1 Q. Who prepared Exhibit 1? 2 A. Brooke Wiggins. 3 Q. Did you verify the information in it? 4 A. Yes. 5 Q. How did you do so? 6 A. We went through item by item. 7 Q. And did you look at documents to verify 8 the information? 9 A. I did not. 10 Q. So how do you know it's true and accurate? 11 A. I took her word for it. 12 Q. So you actually don't know; correct? 13 A. Correct. 14 Q. So you produced a financial statement 15 based on a court order and you did not even take the 16 time to verify any of the information on it with 17 documents? 18 A. No. 19 Q. Is that a correct statement? 20 A. That is a correct statement. 21 Q. Why not? 22 A. Brooke does all of this for me. 23 Q. So -- 24 A. So she would know the number better than I 25 would.</p> |
| <p style="text-align: right;">31</p> <p>1 Q. Now, I notice that TKM Investment 2 Properties is not located on it; correct? 3 A. Correct. 4 Q. Why? 5 A. There is no value in TKM. 6 Q. So no value in TKM Investment Properties? 7 A. Excuse me. I'm sorry. There -- I'm 8 sorry. When we did this there's no -- TKM 9 essentially has no assets, no longer has any value. 10 Q. Well, you identified the other three 11 companies have zero assets and value; right? 12 A. Correct. 13 Q. So why wasn't TKM Investment Properties 14 listed? 15 A. The other companies are still -- are still 16 operating. 17 Q. Well, you just said it was not provided 18 because it had no assets. 19 A. Correct. No longer operating, doesn't 20 have any assets. 21 Q. Oh, okay. 22 A. There's no value. 23 Q. So, okay. So now you're changing it to no 24 longer operating and no assets; correct? 25 A. Yes.</p> | <p style="text-align: right;">33</p> <p>1 Q. People make mistakes; correct? 2 A. They do. 3 Q. And financials usually have documents 4 attached to them; correct? 5 A. They do. 6 Q. And yet you didn't look at any documents 7 and you put your total faith in Ms. -- is Brooke her 8 first name or last name? 9 A. First name. Yes, correct. 10 Q. What is her last name? 11 A. Wiggins. 12 Q. Have all the documents that have been used 13 to come up with the figures at Exhibit 1, have they 14 been produced to me? 15 A. I don't know. 16 Q. Did you instruct Ms. Wiggins? 17 So for the record, since I found out 18 Brooke is the first name -- I should have asked it 19 before. I apologize -- I will now refer to Brooke 20 as Ms. Wiggins. 21 Did you ask Ms. Wiggins if she provided to 22 you all the documents that would support the numbers 23 in Exhibit 1? 24 A. Yes. 25 Q. And what did she say?</p> |

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| <p style="text-align: right;">34</p> <p>1 A. She said yes.</p> <p>2 Q. And when did you ask her about that?</p> <p>3 A. Over the last few weeks.</p> <p>4 Q. Did you ask her about that prior to when</p> <p>5 you made the first production on September 24th?</p> <p>6 A. Specifically, I don't know.</p> <p>7 Q. How about before you made a subsequent</p> <p>8 document production on September 30th?</p> <p>9 A. Again, specifically, I don't know. The</p> <p>10 conversation has always been we need to provide any</p> <p>11 and everything that we have available.</p> <p>12 Q. And did you give her that instruction</p> <p>13 before 9-24?</p> <p>14 A. I don't know.</p> <p>15 Q. You just said the instruction has always</p> <p>16 been to provide everything that you have available.</p> <p>17 A. Yes.</p> <p>18 Q. So now you're walking that back and saying</p> <p>19 you don't know if you gave that to her before</p> <p>20 9-24?</p> <p>21 A. No. At 9:24, the definition of what we</p> <p>22 thought was required changed. So up until 9-24 I</p> <p>23 gave her instructions to provide all of our</p> <p>24 financial information as if -- like she normally</p> <p>25 would, which is what she did.</p> | <p style="text-align: right;">36</p> <p>1 Q. And how about the values of the cars?</p> <p>2 Where did she get those numbers from?</p> <p>3 A. She would have got that from me.</p> <p>4 Q. And so were those values as of what date</p> <p>5 for the homes, the real property?</p> <p>6 A. Probably, specifically, I don't know.</p> <p>7 Prior to June 30th.</p> <p>8 Q. Where did you get those numbers from?</p> <p>9 A. Best guess.</p> <p>10 Q. Best?</p> <p>11 A. What I believe them to be worth.</p> <p>12 Q. Did you do any research about -- to try to</p> <p>13 find out how much they were worth?</p> <p>14 A. No. I work in the business. I understand</p> <p>15 -- I'm going to be close on what the value of these</p> <p>16 are.</p> <p>17 Q. Did you look at any property tax records</p> <p>18 or assessments to see --</p> <p>19 A. No.</p> <p>20 Q. -- what the counties value they to be</p> <p>21 worth?</p> <p>22 A. No.</p> <p>23 Q. Instead you just relied on your gut as to</p> <p>24 what you feel they were worth?</p> <p>25 A. I relied on my brain.</p> |
| <p style="text-align: right;">35</p> <p>1 Q. Okay.</p> <p>2 A. Subsequent to that then, when we became</p> <p>3 aware that it needed to be a deeper dive then those</p> <p>4 instructions changed.</p> <p>5 Q. And you didn't understand from the court</p> <p>6 that it had to be a deeper drive before you produced</p> <p>7 the documents on 9-24?</p> <p>8 A. Correct.</p> <p>9 Q. Why is the document -- is it updated June</p> <p>10 30, 2021 when you were producing the document on</p> <p>11 September 24, 2021?</p> <p>12 A. I don't know.</p> <p>13 Q. Did you ask Ms. Wiggins why it was only up</p> <p>14 to the end of the second calendar quarter of 2021?</p> <p>15 A. I believe I did.</p> <p>16 Q. Okay. And what was her response?</p> <p>17 A. Specifically, I don't remember the</p> <p>18 response so I'll say I believe this was the last</p> <p>19 updated set of numbers that we had. So that's what</p> <p>20 we used.</p> <p>21 Q. And in terms of her updating numbers, she</p> <p>22 knew what the value of your properties were?</p> <p>23 A. No.</p> <p>24 Q. Well, where did those numbers come from?</p> <p>25 A. She got them from me.</p> | <p style="text-align: right;">37</p> <p>1 Q. Okay. So did you rely on any</p> <p>2 documentation?</p> <p>3 A. No.</p> <p>4 Q. None whatsoever; correct?</p> <p>5 A. Correct.</p> <p>6 Q. So there's no way to evaluate how you came</p> <p>7 up with these numbers; correct?</p> <p>8 A. Correct.</p> <p>9 MR. GARCIA: Court Reporter, could you</p> <p>10 please mark the next document as Exhibit 2?</p> <p>11 THE REPORTER: It's been marked as such,</p> <p>12 sir.</p> <p>13 (WHEREUPON, Exhibit 2 was marked for</p> <p>14 identification.)</p> <p>15 BY MR. GARCIA:</p> <p>16 Q. Mr. Brazie, do you recognize this document</p> <p>17 that's been marked as Exhibit 2?</p> <p>18 A. Yes.</p> <p>19 Q. What is it?</p> <p>20 A. A declaration of financial status.</p> <p>21 Q. And can you look at the second to the last</p> <p>22 page, the signature page? Do you recognize the</p> <p>23 signature on that page?</p> <p>24 A. Yes.</p> <p>25 Q. Whose is it?</p> |

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| <p style="text-align: right;">38</p> <p>1 A. Mine.</p> <p>2 Q. And did you sign this document on November</p> <p>3 11, 2020?</p> <p>4 A. Yes.</p> <p>5 Q. Were all the statements on that document</p> <p>6 true and correct?</p> <p>7 A. To the best of my knowledge, yes.</p> <p>8 Q. So there's financial information on this</p> <p>9 statement. Where did that financial information</p> <p>10 come from?</p> <p>11 A. Brooke Wiggins.</p> <p>12 Q. So Ms. Wiggins filled this out?</p> <p>13 A. Yes.</p> <p>14 Q. The financial information?</p> <p>15 A. Yes.</p> <p>16 Q. And did you verify the information on it?</p> <p>17 A. We went through it. Yes.</p> <p>18 Q. So I'm going to phrase my question a</p> <p>19 little differently. When I say verify, meaning did</p> <p>20 you actually look at documents to verify that the</p> <p>21 amounts in Exhibit 2 were true and correct?</p> <p>22 A. No.</p> <p>23 Q. Why not?</p> <p>24 A. Brooke did it for me.</p> <p>25 Q. So you're saying you're willing to put</p> | <p style="text-align: right;">40</p> <p>1 Q. Did you base it upon any documents?</p> <p>2 A. No.</p> <p>3 Q. Now, we previously discussed that you said</p> <p>4 that TKM Investments had no assets. Let me start</p> <p>5 over.</p> <p>6 You previously identified that TKM</p> <p>7 Investment Properties, LLC had no assets; correct?</p> <p>8 A. Yes.</p> <p>9 Q. And the statement would be as of June 30,</p> <p>10 2021; correct?</p> <p>11 A. Yes. Correct.</p> <p>12 Q. So that's telling me that TKM Investment</p> <p>13 Properties, LLC had no assets as of that date;</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 MR. PATERNOSTER: Can we -- I'm sorry.</p> <p>17 Just on record, just for the sake of clarity, is TKM</p> <p>18 Investments in receivership right now?</p> <p>19 THE WITNESS: Yes.</p> <p>20 MR. PATERNOSTER: I believe everyone is</p> <p>21 aware of that. That receivership information has</p> <p>22 been provided.</p> <p>23 THE WITNESS: Right.</p> <p>24 MR. GARCIA: Court Reporter, please mark</p> <p>25 the next exhibit as Exhibit 3.</p> |
| <p style="text-align: right;">39</p> <p>1 yourself into her hands when you signed under</p> <p>2 penalty of perjury that's true and correct?</p> <p>3 A. To the best of my knowledge; correct.</p> <p>4 Q. Right. But you didn't do any due</p> <p>5 diligence to check the numbers; correct?</p> <p>6 A. I wouldn't. She would do that for me.</p> <p>7 Q. And you didn't do any due diligence to</p> <p>8 check and compare the numbers in Exhibit 2 to actual</p> <p>9 documents; correct?</p> <p>10 A. Correct.</p> <p>11 Q. And you didn't do any due diligence to</p> <p>12 check the numbers in Exhibit 1 to actual documents;</p> <p>13 correct?</p> <p>14 A. Correct.</p> <p>15 Q. Let's look at the last page of Exhibit 2.</p> <p>16 Who determined the values for the --</p> <p>17 A. I did. Oh, sorry.</p> <p>18 Q. That's okay. I'm going to start over the</p> <p>19 question again just to make sure we have a clear</p> <p>20 record.</p> <p>21 Who determined the values on the last page</p> <p>22 of Exhibit 2 for the cars?</p> <p>23 A. I did.</p> <p>24 Q. What did you base that upon?</p> <p>25 A. My own knowledge.</p> | <p style="text-align: right;">41</p> <p>1 THE REPORTER: It's been marked as such,</p> <p>2 sir.</p> <p>3 (WHEREUPON, Exhibit 3 was marked for</p> <p>4 identification.)</p> <p>5 BY MR. GARCIA:</p> <p>6 Q. Mr. Brazie, do you recognize the document</p> <p>7 in Exhibit 3?</p> <p>8 A. Yes.</p> <p>9 Q. What is it?</p> <p>10 A. United Community Credit Union Bank</p> <p>11 account.</p> <p>12 Q. And who opened that bank account?</p> <p>13 A. Brooke.</p> <p>14 Q. Okay. And what is the date of that</p> <p>15 statement at Exhibit 3?</p> <p>16 A. 8-31-2021.</p> <p>17 Q. Right. So it's the August statement from</p> <p>18 August 1, 2021 to August 31, 2021; correct?</p> <p>19 A. Correct.</p> <p>20 Q. And it's a bank statement for TKM</p> <p>21 Investment Properties, LLC; correct?</p> <p>22 A. Correct. Yes.</p> <p>23 Q. And it shows a balance of \$192,242.59;</p> <p>24 correct?</p> <p>25 A. Correct. Yes.</p> |

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| <p style="text-align: right;">42</p> <p>1 Q. And your statement is TKM Investment 2 Properties as of June 30, 2021 had no assets; 3 correct? 4 A. Correct. Yes. 5 Q. But this document at Exhibit 3 shows 6 differently; correct? 7 A. It does not. I don't know what this 8 account -- I'm not familiar with how this account 9 was being used, so no, I will say that is not the 10 case. When it's in receivership, we don't 11 necessarily have control of the bank accounts. So 12 -- 13 Q. Okay. I'm sorry; I didn't mean to 14 interrupt you. 15 A. No. On this one I don't know. 16 Q. Okay. So you testified earlier that it 17 had no assets. 18 A. That's correct. 19 Q. And now you're testifying that what's in 20 receivership you're not in control of the assets. 21 A. That's correct. 22 Q. And didn't the receivership file a motion 23 to terminate the receivership? 24 A. After the assets were sold. Yes. 25 Q. And when was that motion filed? Filed in</p> | <p style="text-align: right;">44</p> <p>1 receivership and it's been discharged but you don't 2 know what month in 2021 that it was discharged? 3 A. Correct. 4 Q. And when it was in receivership, TKM 5 Investment Properties' assets were controlled by the 6 receiver; correct? 7 A. Correct. 8 Q. So then TKM Investment Properties, LLC may 9 have assets now; correct? 10 A. No. Their assets were sold. 11 Q. The property was sold; correct? 12 A. Correct. 13 Q. But that doesn't mean all their assets are 14 gone; correct? 15 A. Correct. Yes. 16 Q. And so we have at Exhibit 3 a document for 17 TKM Investment Properties, LLC that Ms. Wiggins 18 opened the account and it lists \$192,242.59 as of 19 August 31, 2021 that you produced to me; correct? 20 A. Yes. 21 Q. Since you produced this document to me, 22 did you review the statement? 23 A. No. 24 Q. So you don't know whether TKM Investment 25 Properties, LLC actually has assets now; correct?</p> |
| <p style="text-align: right;">43</p> <p>1 May or June; correct? 2 A. I don't know. Sometime this year. 3 Q. It was filed before this statement; 4 correct? 5 A. Oh, yeah, I'm sure. Well, I don't know. 6 I don't know. The last couple of months I would 7 guess. 8 MR. PATERNOSTER: Do you know whether TKM 9 is still in receivership now, Mr. Brazie? 10 THE WITNESS: I believe it's been 11 discharged. I don't know. 12 MR. GARCIA: Go off the record for a 13 second. 14 THE REPORTER: Okay. The time is 9:45 15 a.m. and we are now off the record. 16 (WHEREUPON, a recess was taken.) 17 THE REPORTER: The time is 9:47 a.m. and 18 we are now back on the record. 19 BY MR. GARCIA: 20 Q. Mr. Brazie, so I will get a document -- I 21 have it but I need another copy of it. So we'll 22 discuss that document a little bit later. So in 23 terms of -- but I just want to get the record 24 straight before we leave this area. 25 TKM Investments at one time was in</p> | <p style="text-align: right;">45</p> <p>1 A. Correct. 2 Q. And did you do any due diligence to find 3 out whether TKM Investment Properties actually has 4 assets? 5 A. No. 6 Q. And as you sit here today you don't know 7 if TKM Investments has assets; correct? 8 A. Correct. 9 Q. I'm going to switch gears for a moment off 10 of that. 11 Now, Exhibit 1 identifies real property; 12 correct? 13 A. Exhibit 1. Yes. 14 Q. And you identified earlier in your 15 testimony today that you did the valuation for the 16 real property located on Exhibit 1; correct? 17 A. Yes. 18 Q. Now, the property at 1448 SE Wy East is a 19 property that you personally own; correct? 20 A. Yes. 21 Q. Are you the sole owner of that property? 22 A. No. 23 Q. Who else owns that property? 24 A. My wife, Kathy Brazie. 25 Q. Anyone else?</p> |

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| <p style="text-align: right;">46</p> <p>1 A. No.</p> <p>2 Q. And you identified the value of that</p> <p>3 property being \$700,000; correct?</p> <p>4 A. Yes.</p> <p>5 Q. As I understood you earlier today, you</p> <p>6 didn't do any due diligence to look at any</p> <p>7 documents, access tax records to determine the value</p> <p>8 of the property; correct?</p> <p>9 A. Correct.</p> <p>10 Q. You know that in the documents you</p> <p>11 produced to me, property tax records were produced</p> <p>12 for that property. Do you know that?</p> <p>13 A. No.</p> <p>14 Q. Let's move over to the next property.</p> <p>15 Lots 11, 12, 14, and 15. How did you determine the</p> <p>16 value of that property?</p> <p>17 A. Experience.</p> <p>18 Q. Did you consult any documents?</p> <p>19 A. No.</p> <p>20 Q. Did you check any property tax records?</p> <p>21 A. No.</p> <p>22 Q. Do you know that you subsequently produced</p> <p>23 property tax records to me?</p> <p>24 A. Yes.</p> <p>25 Q. Have you looked at those property tax</p> | <p style="text-align: right;">48</p> <p>1 14481, what was the present value based upon?</p> <p>2 A. What I believe it to be worth.</p> <p>3 Q. Did that property have an encumbrance?</p> <p>4 Did you take into account encumbrances or other</p> <p>5 things that would detract away from the value?</p> <p>6 A. Yeah, the house needs some significant</p> <p>7 maintenance.</p> <p>8 Q. Okay. So anything else?</p> <p>9 A. No.</p> <p>10 Q. Okay. How about the lots for 11, 12, 14,</p> <p>11 and 15? Were there any encumbrances or anything on</p> <p>12 the property or at the property that affected the</p> <p>13 value, that would diminish the value?</p> <p>14 A. No. For those I used what the lots sold</p> <p>15 for when the subdivision was completed, or at least</p> <p>16 what I understood what they sold for when the</p> <p>17 subdivision was completed.</p> <p>18 Q. And when was the subdivision completed?</p> <p>19 A. 2016 probably.</p> <p>20 Q. So your value of the lots is based on what</p> <p>21 they were worth in 2016; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. Did you do any subsequent research or due</p> <p>24 diligence to try to find out if there was other</p> <p>25 documents or information that you could use to</p> |
| <p style="text-align: right;">47</p> <p>1 records?</p> <p>2 A. No.</p> <p>3 Q. Why not?</p> <p>4 A. There would be no reason for me to.</p> <p>5 Q. Would you want to look at them to see if</p> <p>6 your valuation was accurate?</p> <p>7 A. No.</p> <p>8 Q. Why not?</p> <p>9 A. The property tax records and the true</p> <p>10 value many times are not the same thing. So I'm</p> <p>11 going off of what I believe them to be worth.</p> <p>12 Q. And are you saying that because the</p> <p>13 property tax records in terms of the value that</p> <p>14 taxes are assessed at is less than the true market</p> <p>15 value of the property?</p> <p>16 A. That could be the case or some of these --</p> <p>17 some of these lots are encumbered or they're not</p> <p>18 prime or they have something the matter with them</p> <p>19 but they are -- they might be viewed the same as</p> <p>20 every other lot in a subdivision as an example. So</p> <p>21 the value of that lot while on paper may look to be</p> <p>22 the same as another one next to it, it's going to</p> <p>23 have a different value. At least I believe that to</p> <p>24 be the case.</p> <p>25 Q. And I noticed going back to your house at</p> | <p style="text-align: right;">49</p> <p>1 ascertain their value?</p> <p>2 A. No.</p> <p>3 Q. Why not?</p> <p>4 A. I believe this is what they're worth.</p> <p>5 Q. And that's based upon what they were worth</p> <p>6 in 2016?</p> <p>7 A. Yes.</p> <p>8 Q. Did you consult any documents that</p> <p>9 identified their value in 2016?</p> <p>10 A. No.</p> <p>11 Q. Why not?</p> <p>12 A. I believe I know what the number was.</p> <p>13 Q. And how did you know what the number was?</p> <p>14 A. Going off of memory.</p> <p>15 MR. GARCIA: Court Reporter, can you</p> <p>16 please mark the next document as Exhibit 4?</p> <p>17 THE REPORTER: Yes, sir.</p> <p>18 It's been marked as such, sir.</p> <p>19 (WHEREUPON, Exhibit 4 was marked for</p> <p>20 identification.)</p> <p>21 BY MR. GARCIA:</p> <p>22 Q. Mr. Brazie, do you recognize the document</p> <p>23 marked as Exhibit 4?</p> <p>24 A. Yes.</p> <p>25 Q. What is it?</p> |

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| <p style="text-align: right;">50</p> <p>1 A. A real property tax statement.</p> <p>2 Q. And for what piece of property is it for?</p> <p>3 A. 14481 SE Wy East.</p> <p>4 Q. Have you seen this document before?</p> <p>5 A. Yes.</p> <p>6 Q. When did you see it?</p> <p>7 A. I don't know.</p> <p>8 Q. See it within the last -- let me rephrase.</p> <p>9 Did you see it on or before August 31,</p> <p>10 2021?</p> <p>11 A. I don't know.</p> <p>12 Q. So if you saw this document before, why</p> <p>13 isn't this document reflected in Exhibit 1?</p> <p>14 A. How would it be?</p> <p>15 Q. Why isn't it? Why isn't the values in</p> <p>16 this document reflected in Exhibit 1?</p> <p>17 A. Because the Exhibit 1 document is what I</p> <p>18 believe the value of the house to be.</p> <p>19 Q. And do you know what the real market value</p> <p>20 of the house is identified in Exhibit 4?</p> <p>21 A. Yes.</p> <p>22 Q. What?</p> <p>23 A. \$756,000 -- \$754,000.</p> <p>24 Q. And you're paying property tax on that</p> <p>25 value; right?</p> | <p style="text-align: right;">52</p> <p>1 A. Yes.</p> <p>2 Q. have you ever gone on to the Clackamas</p> <p>3 County website to see how your property is assessed</p> <p>4 today?</p> <p>5 A. No.</p> <p>6 Q. Okay. And you provided -- you or counsel</p> <p>7 provided Exhibit 4 to me; correct?</p> <p>8 A. I'm sorry?</p> <p>9 Q. Exhibit 4 was provided to me through your</p> <p>10 counsel; correct?</p> <p>11 A. Yes.</p> <p>12 MR. GARCIA: Court Reporter, please mark</p> <p>13 the next document as Exhibit 22. I'm going out of</p> <p>14 order.</p> <p>15 THE REPORTER: It has been marked as such.</p> <p>16 (WHEREUPON, Exhibit 22 was marked for</p> <p>17 identification.)</p> <p>18 BY MR. GARCIA:</p> <p>19 Q. I'm sorry, Mr. Brazie. So I just want to</p> <p>20 -- going back to Exhibit 4 -- can we go back to the</p> <p>21 previous document?</p> <p>22 A. Yes.</p> <p>23 Q. So just confirming, the real market value</p> <p>24 as of this tax year of 7-1-2020 to 6-30-2021 was</p> <p>25 \$754,892; correct?</p> |
| <p style="text-align: right;">51</p> <p>1 A. Yes.</p> <p>2 Q. I'm going to rephrase. The assessed</p> <p>3 value. You're paying property taxes on the assessed</p> <p>4 value of \$536,475; right?</p> <p>5 A. Correct.</p> <p>6 Q. Did you ever contest that value?</p> <p>7 A. No.</p> <p>8 Q. Okay. Did you ever contest the real</p> <p>9 market value total that Exhibit 4, the county found</p> <p>10 for that property?</p> <p>11 A. No.</p> <p>12 Q. Did you ever try to inform the county that</p> <p>13 the property is not worth that much?</p> <p>14 A. No.</p> <p>15 Q. Why not?</p> <p>16 A. There would be no reason to. The numbers</p> <p>17 fluctuate. I'm not aware of anybody that does that,</p> <p>18 actually. So it would not be something that I would</p> <p>19 have thought to do.</p> <p>20 Q. Now, Exhibit 4 is property tax records</p> <p>21 from July 1, 2020 to June 30, 2021; correct?</p> <p>22 A. Yes.</p> <p>23 Q. But that's not really the current property</p> <p>24 tax assessment as of today since today is after 6-</p> <p>25 30-2021; correct?</p> | <p style="text-align: right;">53</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Please look at the document that's</p> <p>3 been marked as Exhibit 5.</p> <p>4 Do you recognize the document?</p> <p>5 A. Yes.</p> <p>6 Q. What is it?</p> <p>7 A. It is a property account summary.</p> <p>8 Q. And for what piece of property?</p> <p>9 A. Wy East.</p> <p>10 Q. 14481?</p> <p>11 A. Yes.</p> <p>12 Q. Your property at that address; correct?</p> <p>13 A. Yes.</p> <p>14 Q. And so for 2021, it shows that the real</p> <p>15 market value of the property is \$853,111; correct?</p> <p>16 A. Yes.</p> <p>17 Q. And when I look at the AVR total or the</p> <p>18 TVR total -- do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. For 2010, it's \$536,475, which</p> <p>21 matches the amount on Exhibit 4; correct?</p> <p>22 A. I'm sorry; ask me that again.</p> <p>23 Q. So you see the \$536,475 figure?</p> <p>24 A. In 2020?</p> <p>25 Q. Yes.</p> |

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| <p style="text-align: right;">54</p> <p>1 A. Yes.</p> <p>2 Q. Okay. That's also the same figure for</p> <p>3 2020 in Exhibit 4; correct?</p> <p>4 A. Yes.</p> <p>5 Q. And so what I see, and going back into the</p> <p>6 assessed value, it's going up steadily each year</p> <p>7 from 2017 where it was \$490,951 to \$552,569;</p> <p>8 correct?</p> <p>9 A. yes.</p> <p>10 Q. Do you know why Exhibit 5 was not provided</p> <p>11 to me?</p> <p>12 A. I'm sorry?</p> <p>13 Q. You did not provide me Exhibit 5; correct?</p> <p>14 A. Exhibit 5?</p> <p>15 Q. Yeah.</p> <p>16 A. I don't think I --</p> <p>17 Q. Strike that. Let me start over.</p> <p>18 Do you see in the bottom right-hand corner</p> <p>19 of Exhibit 4 there is an alphanumeric number?</p> <p>20 A. Yes.</p> <p>21 Q. That's called a Bates stamp number. Your</p> <p>22 counsel puts Bates stamp numbers on the documents it</p> <p>23 produced to me to identify them as being produced to</p> <p>24 me.</p> <p>25 Do you see that?</p> | <p style="text-align: right;">56</p> <p>1 identification.)</p> <p>2 MR. GARCIA: Please provide it to them.</p> <p>3 THE REPORTER: Yes, sir.</p> <p>4 BY MR. GARCIA:</p> <p>5 Q. Mr. Brazie, do you recognize Exhibit 5.5?</p> <p>6 A. Yes.</p> <p>7 Q. What is it?</p> <p>8 A. Multnomah County Oregon Property Tax</p> <p>9 Record.</p> <p>10 Q. And if you can go through and verify that</p> <p>11 they're property tax records for the Lots 11, 12,</p> <p>12 14, and 15. It's right here. It's by the legal</p> <p>13 description where it identifies the lot.</p> <p>14 A. Haydens Meadow at Brookside.</p> <p>15 Q. No, I just want you to go through the</p> <p>16 pages silently to yourself and verify to yourself</p> <p>17 that they're the property tax records for 11, 12,</p> <p>18 14, and 15.</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So these are property tax records.</p> <p>21 Were you sent these property tax records or were</p> <p>22 they pulled from a website?</p> <p>23 A. I don't know.</p> <p>24 Q. The property tax records in Exhibit 5.5</p> <p>25 are different from the ones in Exhibit 4; correct?</p> |
| <p style="text-align: right;">55</p> <p>1 A. Yes.</p> <p>2 Q. And it also identifies each page as</p> <p>3 individually marked so we can identify them by Bates</p> <p>4 stamp number.</p> <p>5 So Exhibit 5 doesn't have a Bates stamp</p> <p>6 number; correct?</p> <p>7 A. Correct.</p> <p>8 Q. And you don't know if it was produced to</p> <p>9 me by your counsel; correct?</p> <p>10 A. Correct.</p> <p>11 Q. And so in Exhibit 5, the amount listed in</p> <p>12 Exhibit 5 of \$853,111 is over \$150,000 more than</p> <p>13 what you assed the market value of the property to</p> <p>14 be; correct?</p> <p>15 A. Correct.</p> <p>16 Q. Now, again, Exhibit 4 is a property tax</p> <p>17 statement that your counsel produced for me.</p> <p>18 However, your counsel did not produce property tax</p> <p>19 statements for me. Instead -- for the lots that you</p> <p>20 received. Instead, he pulled -- or strike that.</p> <p>21 MR. GARCIA: Court Reporter, please mark</p> <p>22 the next document as Exhibit -- I'm going to say</p> <p>23 Exhibit 5.5.</p> <p>24 THE REPORTER: Yes, sir.</p> <p>25 (WHEREUPON, Exhibit 5.5 was marked for</p> | <p style="text-align: right;">57</p> <p>1 A. Yes.</p> <p>2 Q. Exhibit 4 is a real property tax statement</p> <p>3 that you received in the mail; correct?</p> <p>4 A. I don't know.</p> <p>5 Q. Who handles the payment of your property</p> <p>6 taxes?</p> <p>7 A. Brooke Wiggins.</p> <p>8 Q. So Exhibit 5.5 doesn't look like -- it's</p> <p>9 not a real property tax statement; correct?</p> <p>10 A. It does not appear; correct.</p> <p>11 Q. And where are real property tax statements</p> <p>12 sent for the property that you own?</p> <p>13 A. I don't know.</p> <p>14 Q. Would they be sent to Ms. Wiggins?</p> <p>15 A. I don't know where they would be sent.</p> <p>16 Q. Do you know where Exhibit 4 came from that</p> <p>17 your counsel produced to me?</p> <p>18 A. I do not.</p> <p>19 Q. Do you ever look at the property tax</p> <p>20 statements?</p> <p>21 A. Do I ever?</p> <p>22 Q. Yeah.</p> <p>23 A. Yes.</p> <p>24 Q. When is the last time you looked at a</p> <p>25 property tax statement for any of the property that</p> |

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| <p style="text-align: right;">58</p> <p>1 you own?</p> <p>2 A. I don't know.</p> <p>3 Q. Has it been within the last year?</p> <p>4 A. I don't know.</p> <p>5 Q. Last two years?</p> <p>6 A. I couldn't tell you. I don't know.</p> <p>7 Q. And again, some things may refresh your</p> <p>8 memory. Some things won't. The last four years?</p> <p>9 A. You asked me if I've looked at property</p> <p>10 tax records before. I have. When I did last time,</p> <p>11 I wouldn't have any idea.</p> <p>12 Q. So it's conceivable that you haven't</p> <p>13 looked at any property tax records in the last 10</p> <p>14 years; correct?</p> <p>15 A. Probably not.</p> <p>16 Q. Probably not that you have not looked at</p> <p>17 them?</p> <p>18 A. It's not conceivable. I'm sure I've</p> <p>19 looked at them in the last 10 years.</p> <p>20 Q. Okay. How about the last five years?</p> <p>21 A. I would guess yes.</p> <p>22 Q. How about the last three years?</p> <p>23 A. I don't know.</p> <p>24 Q. Now, the real property and the lots 11,</p> <p>25 12, 14, and 15 were not listed in the Declaration of</p> | <p style="text-align: right;">60</p> <p>1 Q. And when was that?</p> <p>2 A. I don't know.</p> <p>3 Q. You got notice before the judge issued an</p> <p>4 order; correct?</p> <p>5 A. Yes.</p> <p>6 Q. Did you look -- and when was that?</p> <p>7 A. When was what?</p> <p>8 Q. That you received the notice?</p> <p>9 A. I don't know.</p> <p>10 Q. The judge issued an order in August of</p> <p>11 2020; correct?</p> <p>12 A. I don't -- I don't know the exact date or</p> <p>13 month. I think so.</p> <p>14 Q. Okay. And so if the judge entered an</p> <p>15 order on August 20th -- or correction. If the judge</p> <p>16 issued an order in August of 2020, that would put</p> <p>17 you on notice before you filed -- before you signed</p> <p>18 the declaration of financial status in November of</p> <p>19 2020 that you had ownership of that property;</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. And once you received notice that legal</p> <p>23 action was being taken against you for the</p> <p>24 nonpayment of property taxes for those lots, what</p> <p>25 did you do?</p> |
| <p style="text-align: right;">59</p> <p>1 Financial Status that you provided me in Exhibit 2;</p> <p>2 correct?</p> <p>3 A. Correct.</p> <p>4 Q. Why?</p> <p>5 A. We didn't realize that we still -- that we</p> <p>6 were still the owners on paper of those.</p> <p>7 Q. Well, not only are you the owners on paper</p> <p>8 but you've been assessed penalties, right, for</p> <p>9 nonpayment of property taxes for those lots --</p> <p>10 A. Yes. Correct.</p> <p>11 Q. Let me finish. Let me start over.</p> <p>12 Even though you are "technically" still</p> <p>13 the owner, you've been assessed property tax</p> <p>14 assessments and penalties because you have not owned</p> <p>15 those lots -- or correction, that you have not paid</p> <p>16 the property tax on these lots that you own;</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. And, in fact, a judgment was entered into</p> <p>20 Monmouth County clerk regarding your nonpayment of</p> <p>21 those; correct?</p> <p>22 A. Correct.</p> <p>23 Q. And did you get notice that the county was</p> <p>24 taking action against you in Multnomah County?</p> <p>25 A. We did. Yes.</p> | <p style="text-align: right;">61</p> <p>1 A. We set about trying to figure out -- we</p> <p>2 didn't realize that we even owned them still so we</p> <p>3 were surprised when we got the alert. They're</p> <p>4 actually held by -- to secure a loan. We thought</p> <p>5 the property had moved on when we did a deal back in</p> <p>6 2017. So when we got that, we assumed that the</p> <p>7 courts -- or that the county had the wrong owners</p> <p>8 and had not recorded that correctly.</p> <p>9 Q. Did you -- okay. Did you do anything</p> <p>10 other than assume?</p> <p>11 A. Yeah. We -- it takes time, particularly</p> <p>12 with COVID, but we followed up on it.</p> <p>13 Q. And what did you find out?</p> <p>14 A. That we still -- they're still in our</p> <p>15 name. We still own it.</p> <p>16 Q. And when did you find that out?</p> <p>17 A. A couple of months ago.</p> <p>18 Q. A judgment was entered a couple of months</p> <p>19 ago. That's not when -- and it takes time, as you</p> <p>20 know, to go through legal proceedings to give people</p> <p>21 due process. So the judgment is not what alerted</p> <p>22 you as to them because as you identified, you</p> <p>23 received notice of them prior to. So why is it that</p> <p>24 you only found out a couple months after the court</p> <p>25 had -- which is when the court rendered a decision?</p> |

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| <p style="text-align: right;">62</p> <p>1 A. I don't know.</p> <p>2 Q. What have you done since you found out the</p> <p>3 court has rendered a decision?</p> <p>4 A. Nothing.</p> <p>5 Q. Why?</p> <p>6 A. We've been busy doing other things.</p> <p>7 Q. So your own financial statement of Exhibit</p> <p>8 1 identifies that you believe this property is worth</p> <p>9 \$300,000.</p> <p>10 A. Yes.</p> <p>11 Q. And your statement is updated June 30,</p> <p>12 2021; correct?</p> <p>13 A. Yes.</p> <p>14 Q. So as of more than a couple months ago you</p> <p>15 knew that this property was worth \$300,000; right?</p> <p>16 A. Yes.</p> <p>17 Q. So you knew more than a couple months ago;</p> <p>18 right?</p> <p>19 A. Well, okay. A few months ago. I don't</p> <p>20 know the specific time.</p> <p>21 Q. Okay. So if this property is worth -- if</p> <p>22 you have an asset that you own, that you yourself</p> <p>23 value of being \$300,000, why haven't you taken any</p> <p>24 action?</p> <p>25 A. I believe -- I don't know.</p> | <p style="text-align: right;">64</p> <p>1 A. Yes.</p> <p>2 Q. If we turn to the next page, to Bates</p> <p>3 stamp 7147, that's for Lot 12; correct?</p> <p>4 A. Yes.</p> <p>5 Q. And the real market value for that piece</p> <p>6 of property is \$162,250; correct?</p> <p>7 A. Yes.</p> <p>8 Q. If we turn to the next page it's Bates</p> <p>9 stamp 7149. And that's for Lot 14; correct?</p> <p>10 A. Yes.</p> <p>11 Q. And Bates stamp 7149 identifies the real</p> <p>12 market value of that property to be \$170,000;</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. And if we go to the last page of Exhibit</p> <p>16 5.5, that's for Lot 15; correct?</p> <p>17 A. Yes.</p> <p>18 Q. And the real market value for that</p> <p>19 property in 2021 at Bates stamp 7151 is \$162,250?</p> <p>20 A. Yes.</p> <p>21 Q. And so if you would add up -- I'll just do</p> <p>22 it simply, the \$270,000, so \$340,000; correct?</p> <p>23 A. I'm sorry?</p> <p>24 Q. So there were two assessments at \$170,000;</p> <p>25 right? If I add them that's \$340,000; right?</p> |
| <p style="text-align: right;">63</p> <p>1 Q. So let's try to look at the value of the</p> <p>2 property. Let's look at Exhibit 5.5.</p> <p>3 You see there's a table towards the bottom</p> <p>4 that has years 2016 to 2021?</p> <p>5 A. Yes.</p> <p>6 Q. And you see the column headings for that?</p> <p>7 The fifth column heading from the right is real</p> <p>8 market value of the property?</p> <p>9 A. Yes.</p> <p>10 Q. And so for -- when I say Bates stamp</p> <p>11 number, I'm going to be referring to the number in</p> <p>12 the lower right-hand column.</p> <p>13 A. Yes.</p> <p>14 Q. I'm only going to refer to the last</p> <p>15 digits, whether it's three or four. Okay?</p> <p>16 So Exhibit 5 is property tax records for</p> <p>17 Lots 11, 12, 14, and 15 that runs from Bates stamp</p> <p>18 7145 to 7151. I'm sorry, 714, yeah, I'm sorry, it's</p> <p>19 7145, 7147, 7149, and 7151. Only four pages.</p> <p>20 They're not consecutive. Just those numbers.</p> <p>21 So the real market value for 2021 for Lot</p> <p>22 11 at Bates stamp 7145 is \$170,000; correct?</p> <p>23 A. Yes.</p> <p>24 Q. And to be clear, that's what's listed on</p> <p>25 that page; correct?</p> | <p style="text-align: right;">65</p> <p>1 A. Yes.</p> <p>2 Q. And there were three assessments, or two</p> <p>3 assessments at \$162,500; right?</p> <p>4 A. Yes.</p> <p>5 Q. And if I add them together that's</p> <p>6 \$325,000; correct?</p> <p>7 A. Yes.</p> <p>8 Q. So if I add the market values I would get</p> <p>9 \$665,000 as what's identified in 5.5 -- Exhibit 5.5</p> <p>10 for Lots 11, 12, 14, and 15; correct?</p> <p>11 A. Yes.</p> <p>12 Q. And even though the county assesses them</p> <p>13 at that value, you have not taken any action</p> <p>14 regarding those lots; correct?</p> <p>15 A. Correct.</p> <p>16 Q. Why?</p> <p>17 A. We just haven't.</p> <p>18 Q. Do you own the company Delivery Express?</p> <p>19 A. I'm sorry?</p> <p>20 Q. Do you own the company called Delivery</p> <p>21 Express?</p> <p>22 A. Senvoy, the name of Senvoy used to be</p> <p>23 Delivery Express.</p> <p>24 Q. Have you changed the accounts that list</p> <p>25 Delivery Express to Senvoy?</p> |

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| <p style="text-align: right;">70</p> <p>1 A. Yes.</p> <p>2 Q. When was that?</p> <p>3 A. 2010 would be a guess.</p> <p>4 Q. So before -- would it be correct to say</p> <p>5 that you are estimating it before 2015?</p> <p>6 A. Yes, I believe so.</p> <p>7 Q. Okay. How much would you have to pay off</p> <p>8 so that car is no longer being used as collateral</p> <p>9 for Sunstone Business Finance?</p> <p>10 A. Approximately \$3.5 million.</p> <p>11 Q. And how much would you have to pay to</p> <p>12 Umpqua Bank for the various cars that you have</p> <p>13 listed on Exhibit 1 for it to no longer be a secured</p> <p>14 creditor for those cars?</p> <p>15 A. Approximately \$450,000.</p> <p>16 Q. And Umpqua Bank became a secured creditor</p> <p>17 for those cars after the Secretary's 2018 judgment;</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. So, and how much money did you -- and then</p> <p>21 after the Secretary's 2018 judgment, Umpqua Bank</p> <p>22 filed suit against you in 2019; correct?</p> <p>23 A. Yes.</p> <p>24 Q. So the 2018 Secretary's judgment was prior</p> <p>25 to the suit that Umpqua Bank filed against you;</p> | <p style="text-align: right;">72</p> <p>1 (Interruption; phone ringing)</p> <p>2 MR. GARCIA: I apologize.</p> <p>3 THE REPORTER: Counsel, do you want me to</p> <p>4 bring us off the record?</p> <p>5 MR. GARCIA: Yes.</p> <p>6 THE REPORTER: The time is 10:31 a.m. We</p> <p>7 are now off the record.</p> <p>8 (WHEREUPON, a recess was taken.)</p> <p>9 THE REPORTER: The time is 10:32 a.m. We</p> <p>10 are now back on the record.</p> <p>11 MR. GARCIA: I apologize. A call on my</p> <p>12 computer. I've got my cell phone silenced. I</p> <p>13 forgot to silence that.</p> <p>14 BY MR. GARCIA:</p> <p>15 Q. Now, while Umpqua Bank as you're saying</p> <p>16 had first priority in terms of your account</p> <p>17 receivables, it did not have any priority on your</p> <p>18 cars until you made these agreements for it to not</p> <p>19 exercise the judgment against you; correct?</p> <p>20 A. Correct.</p> <p>21 Q. In the last four years, have you owned any</p> <p>22 other vehicle that's not listed on Exhibit 1?</p> <p>23 A. I don't know.</p> <p>24 Q. I'm talking about -- just to be clear, I'm</p> <p>25 talking about you personally, not what your</p> |
| <p style="text-align: right;">71</p> <p>1 correct?</p> <p>2 A. I believe that is correct.</p> <p>3 Q. Well, you just identified they filed suit</p> <p>4 in 2019 and your judgment to the Secretary was</p> <p>5 October 2018.</p> <p>6 A. Correct.</p> <p>7 Q. Okay. So, and then after a suit was</p> <p>8 filed, then what happened was that you entered into</p> <p>9 a settlement agreement with Umpqua Bank; correct?</p> <p>10 A. Yes.</p> <p>11 Q. And then there were amendments to the</p> <p>12 agreement where you put up those cars listed in</p> <p>13 Exhibit 1 as collateral; correct?</p> <p>14 A. Yes.</p> <p>15 Q. And the actual documents that you signed</p> <p>16 that were provided to me were dated December 2020 in</p> <p>17 terms of filing a formal document with the State of</p> <p>18 Oregon putting them up as collateral; right?</p> <p>19 A. I believe so. Yes.</p> <p>20 Q. So why since you owed your debt to the</p> <p>21 Department of Labor since October 2018 did you give</p> <p>22 Umpqua Bank collateral of those cars?</p> <p>23 A. Because they asked for it in order to get</p> <p>24 the deal done with them. They have the first</p> <p>25 position on my receivables.</p> | <p style="text-align: right;">73</p> <p>1 companies own.</p> <p>2 A. Yeah. I don't -- I don't know if I have</p> <p>3 owned and then sold something in the last four</p> <p>4 years. I can't remember.</p> <p>5 Q. How about in the last two years?</p> <p>6 A. I don't -- I bought a Mercedes in -- well,</p> <p>7 last year, 2020.</p> <p>8 Q. Right. I'm talking about vehicles that --</p> <p>9 okay, and it's not just sell -- whether it's</p> <p>10 transfer, gave, where you've continued -- wherein</p> <p>11 you had the actual title to a vehicle.</p> <p>12 Do you understand so far?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. I'm asking did you sell, transfer,</p> <p>15 do anything that caused the ownership of a vehicle</p> <p>16 to change in the last four years?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. What vehicle was that?</p> <p>19 A. I owned two old Buicks that I sold, oh,</p> <p>20 three or four years ago, probably.</p> <p>21 Q. To whom?</p> <p>22 A. Private buyers.</p> <p>23 Q. Do you remember their names?</p> <p>24 A. No.</p> <p>25 Q. Do you know how much you sold them for?</p> |

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| <p style="text-align: right;">74</p> <p>1 A. No.</p> <p>2 Q. Do you have bills of sale on them?</p> <p>3 A. Yes.</p> <p>4 Q. Does Ms. Wiggins know about these sales?</p> <p>5 A. Yes.</p> <p>6 Q. Where did the income from these sales go?</p> <p>7 A. I don't know.</p> <p>8 Q. Does your wife own any vehicles that are</p> <p>9 not listed on Exhibit 1?</p> <p>10 A. I don't believe so. No.</p> <p>11 Q. Now, I would ask you to keep Exhibit 1 out</p> <p>12 and look at the last page of Exhibit 2.</p> <p>13 A. Okay.</p> <p>14 Q. So I want you to have both documents out</p> <p>15 so you can review them.</p> <p>16 A. Okay.</p> <p>17 Q. I have one other question. For the</p> <p>18 vehicles that Umpqua Bank is the secured creditor,</p> <p>19 can Umpqua Bank file documents changing the</p> <p>20 ownership of the vehicles from you to them? Do they</p> <p>21 have -- did you give them permission to do that?</p> <p>22 A. I don't know.</p> <p>23 Q. So now I'm going to go back to Exhibit 1</p> <p>24 and the last page of Exhibit 2.</p> <p>25 Now, you see that Exhibit 2, last page,</p> | <p style="text-align: right;">76</p> <p>1 Now, you see in Exhibit 1 in the far</p> <p>2 right-hand column for all the cars you have the</p> <p>3 value; correct?</p> <p>4 A. Yes.</p> <p>5 Q. And I'm interpreting that to be the market</p> <p>6 value?</p> <p>7 A. Yes.</p> <p>8 Q. And in Exhibit 1, you also have the market</p> <p>9 value of these same vehicles; correct?</p> <p>10 A. Yes.</p> <p>11 Q. And so if you compare the market values</p> <p>12 for all the vehicles except for the four -- strike</p> <p>13 that.</p> <p>14 If you compare the values listed in</p> <p>15 Exhibit 1, the market values, to the values listed</p> <p>16 in Exhibit -- the last page of Exhibit 2 for the</p> <p>17 secured creditors, the market values are the same in</p> <p>18 both exhibits except for the Ford Shelby; correct?</p> <p>19 A. Yes.</p> <p>20 Q. If you compare the vehicles above the</p> <p>21 secured vehicles in Exhibit 1, their value, to the</p> <p>22 value that's listed on the last page of Exhibit 2,</p> <p>23 they're all less; right?</p> <p>24 A. Yes.</p> <p>25 Q. And so the vehicles that are not -- the</p> |
| <p style="text-align: right;">75</p> <p>1 Bates stamp 37, identifies the market value of the</p> <p>2 various vehicles on that page; correct?</p> <p>3 A. Yes.</p> <p>4 Q. And all the vehicles on that page are also</p> <p>5 on Exhibit 1; correct?</p> <p>6 A. That appears to be the case. Yes.</p> <p>7 Q. Well, you've got both documents in front</p> <p>8 of you.</p> <p>9 A. Yes, that appears to be.</p> <p>10 Q. When you say appears that means you don't</p> <p>11 know for sure.</p> <p>12 A. There are 14 on this side and there's 14</p> <p>13 on that side.</p> <p>14 Q. Right. And it's the same vehicles; right?</p> <p>15 A. Yes, I believe so.</p> <p>16 Q. But you're saying from looking at the two</p> <p>17 documents you cannot tell?</p> <p>18 A. Well, I can -- does somebody have a pen?</p> <p>19 I can go mark the 14 documents off. Yeah.</p> <p>20 Yes.</p> <p>21 Q. So they're exactly the same; correct?</p> <p>22 A. Yes. It appears to be.</p> <p>23 Q. You say it appears to --</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Thank you.</p> | <p style="text-align: right;">77</p> <p>1 four vehicles, the Ford 150 Lightning, Ford Super</p> <p>2 Snake -- that's the Mustang; right?</p> <p>3 A. Yes.</p> <p>4 Q. And the Ford 150 Raptor and the 2015</p> <p>5 Mercedes, those are all vehicles that you own free</p> <p>6 and clear; correct?</p> <p>7 Let me strike that.</p> <p>8 A. Yeah.</p> <p>9 Q. Let me strike that. Those four vehicles</p> <p>10 that I just named are all vehicles that are not</p> <p>11 being used as a collateral; correct?</p> <p>12 A. Correct.</p> <p>13 Q. So why is it that the four vehicles that</p> <p>14 are not being used as collateral, the value declined</p> <p>15 when you did Exhibit 1 dated as of June 30, 2021</p> <p>16 from what you identified on November 11, 2020?</p> <p>17 A. A year ago what I thought they were worth</p> <p>18 and what I thought they were worth in June, it</p> <p>19 changed.</p> <p>20 Q. But it only -- but the Umpqua Bank and the</p> <p>21 Sunstone business finance secured creditor vehicles,</p> <p>22 they didn't change; correct?</p> <p>23 A. Correct.</p> <p>24 Q. So why did the ones that you don't have as</p> <p>25 collateral get a reduction whereas the other ones</p> |

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| <p style="text-align: right;">82</p> <p>1 A. Yes. The payment's not connected to the 2 car though. 3 Q. Understand. It's just that a reduction in 4 value of \$25,000 and the payment was \$30,000; 5 correct? 6 A. Yes. 7 Q. Okay. So on all these cars you have the 8 legal title to them; correct? 9 A. Yes. 10 Q. And on -- for the Ford Super Snake and the 11 Ford Raptor and the Mercedes you have car loans with 12 Point West Credit Union; correct? 13 A. Yes. 14 Q. And you are making monthly payments on 15 those cars; correct? 16 A. Correct. 17 Q. Strike that. Who is making monthly 18 payments? What entity? What legal entity is making 19 monthly payments for those cars? 20 A. Brooke does on my behalf. Brooke Wiggins. 21 I'm not sure where from. 22 Q. And -- okay. So it could be that these 23 car payments are being paid by Senvoy; correct? 24 A. Yes. 25 Q. And because you don't know the status of</p> | <p style="text-align: right;">84</p> <p>1 and trust her that it's being done and accounted for 2 correctly. 3 Q. Is Ms. Wiggins an accountant? 4 A. No. 5 Q. Is she a certified CPA? 6 A. No. 7 Q. Does she have any accounting education? 8 A. I don't know. 9 Q. Prior to working with you or for you, did 10 she have any accounting prior experience? 11 A. Yes, I believe so. 12 Q. And what was that experience? 13 A. I think she worked for a couple other 14 companies in their accounting departments. 15 Q. Do you actually remember that? 16 A. No. It would be 20-plus years ago. 17 Q. Okay. So you're speculating; correct? 18 A. Yes. 19 Q. Don't speculate, please. 20 And while you have a general understanding 21 -- or strike that. 22 When is the last time you looked at your 23 general ledgers for any of your companies? 24 A. I look at financials, not general ledgers. 25 So I couldn't tell you.</p> |
| <p style="text-align: right;">83</p> <p>1 your payments, your private payments, all of your 2 private payments, it could be being made by one of 3 your companies; correct? 4 A. Yes. 5 Q. Why would you have your private payments 6 be making your personal payments? 7 A. Why, well, it's either they pay the cash 8 to me directly or they make the payment and then we 9 account for it on the books. 10 Q. How do you know they're accounted for in 11 the books? 12 A. Again, because I have accountants that 13 take care of these things for me. 14 Q. But you don't know personally whether they 15 are or not; correct? 16 A. I have knowledge of how this is accounted 17 for. Yes. 18 Q. You do? Please tell me that knowledge. 19 A. We go through specifically to each line 20 item. Not necessarily but at the end of the year we 21 have an accounting that we do. So I would say I'm 22 confident that that's the case. It's pretty typical 23 in companies of our size that somebody else deals 24 with those things directly as opposed to me doing it 25 but I understand having worked with her for 20 years</p> | <p style="text-align: right;">85</p> <p>1 Q. So you don't know what, in fact, 2 accounting-wise is taking place within your 3 companies; correct? 4 A. Correct. 5 Q. And have you ever had an audit of your 6 financial statements or general ledgers, a formal 7 audit? 8 A. No. 9 Q. Do you have a CPA? 10 A. Yes. 11 Q. Who? 12 A. Ken Gustafson. 13 Q. Did Ken Gustafson help you with the 14 preparation of Exhibit 2? 15 A. No. 16 Q. Now, before you signed Exhibit 2, did you 17 review everything? Or strike that. 18 You signed Exhibit 2 under penalty of 19 perjury to -- strike that. 20 You signed Exhibit 2 under penalty of 21 perjury; correct? 22 A. Yes. 23 Q. And, but you never looked at any of the 24 actual documents that supported the numbers in 25 Exhibit 2; correct?</p> |

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| <p style="text-align: right;">86</p> <p>1 A. I don't believe -- I don't know.</p> <p>2 Q. And you signed Exhibit 2 less than a year</p> <p>3 ago; right?</p> <p>4 A. Yes.</p> <p>5 MR. GARCIA: Please mark this as Exhibit</p> <p>6 6.</p> <p>7 THE REPORTER: It's been marked as such.</p> <p>8 (WHEREUPON, Exhibit 6 was marked for</p> <p>9 identification.)</p> <p>10 BY MR. GARCIA:</p> <p>11 Q. Do you recognize Exhibit 6?</p> <p>12 A. Yes.</p> <p>13 Q. What is it?</p> <p>14 A. A Point West Credit Union statement.</p> <p>15 Q. And that statement is in your name;</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. And you have three car loans -- or strike</p> <p>19 that.</p> <p>20 Exhibit 6 identifies three car loans;</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. And the car loans on Exhibit 6 match three</p> <p>24 of the vehicles that have nonsecured -- that don't</p> <p>25 have any secured creditors on Exhibit 1; correct?</p> | <p style="text-align: right;">88</p> <p>1 MR. GARCIA: No, it was not. I could have</p> <p>2 pulled the one that you produced. No, strike that.</p> <p>3 It was -- to make the record clear, counsel, you did</p> <p>4 not produce documents that I gathered through</p> <p>5 subpoenas for statements. This document is dated</p> <p>6 April 20 -- the document is dated April 20, 2020. I</p> <p>7 obtained it in response to a subpoena because we</p> <p>8 agreed that you would not produce documents that I</p> <p>9 obtained through subpoena.</p> <p>10 MR. PATERNOSTER: Understood. I didn't</p> <p>11 know, nor would counsel, because there's a 12-15-20</p> <p>12 number up top and so that's what was confusing me.</p> <p>13 MR. GARCIA: Right. That was when it was</p> <p>14 pulled I believe from the bank in response to a</p> <p>15 subpoena.</p> <p>16 MR. PATERNOSTER: Fair enough. This was</p> <p>17 one of the subpoenaed documents?</p> <p>18 MR. GARCIA: Yes.</p> <p>19 MR. PATERNOSTER: Thank you, counsel.</p> <p>20 MR. GARCIA: And thank you for asking to</p> <p>21 clarify the record.</p> <p>22 BY MR. GARCIA:</p> <p>23 Q. Now, as we discussed today, Mr. Brazie,</p> <p>24 you identified that all the vehicles listed on</p> <p>25 Exhibit 1 you hold the legal title to; correct?</p> |
| <p style="text-align: right;">87</p> <p>1 A. Yes.</p> <p>2 Q. Do you see the Point West credit</p> <p>3 statements or do they go directly to Ms. Wiggins?</p> <p>4 A. They go directly to Ms. Wiggins.</p> <p>5 Q. So when was the first time that you</p> <p>6 actually viewed Exhibit 6?</p> <p>7 A. I don't know.</p> <p>8 Q. Did you review it prior to today?</p> <p>9 A. I'm sorry?</p> <p>10 Q. Did you review it prior to today?</p> <p>11 A. I don't know. I looked at a lot of</p> <p>12 documents over the last few months. I don't know.</p> <p>13 Q. Okay. Did you review it before July 1,</p> <p>14 2021?</p> <p>15 A. I don't know.</p> <p>16 Q. Is it your custom and practice to review</p> <p>17 these statements when they come in?</p> <p>18 A. No.</p> <p>19 Q. No meaning it's not your practice;</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. Thank you.</p> <p>23 MR. PATERNOSTER: I'm sorry, counsel, is</p> <p>24 this a document that was produced by defendant? I</p> <p>25 don't see a Bates number on it.</p> | <p style="text-align: right;">89</p> <p>1 A. I believe so, yes.</p> <p>2 Q. And in terms of the financing, the</p> <p>3 Mercedes, the Mercedes, you're paying a monthly</p> <p>4 payment of \$1,497. That's on the second page of</p> <p>5 Exhibit 6; correct?</p> <p>6 A. Yes.</p> <p>7 Q. And then for the Ford Mustang, which is</p> <p>8 the Super Snake, you've been paying a monthly</p> <p>9 payment of \$750.24; correct?</p> <p>10 A. Yes.</p> <p>11 Q. And for the 2013 Ford F-150 Super Crew Cab</p> <p>12 you've been making a monthly payment of \$800.84;</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. And it's your understanding that one of</p> <p>16 your businesses is actually making the payment to</p> <p>17 Point West Credit Union; correct?</p> <p>18 A. I believe that to be the case. Yes.</p> <p>19 Q. And to your knowledge, the payments --</p> <p>20 strike that.</p> <p>21 To your knowledge, all the payments have</p> <p>22 been made for these three vehicles from April 20th</p> <p>23 -- or April 2020 to the present time; correct?</p> <p>24 A. Yes. Two of the vehicles are for loans</p> <p>25 that I got against -- I owned those cars originally</p> |

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| <p style="text-align: right;">94</p> <p>1 A. The 2015 Mercedes.</p> <p>2 Q. Right.</p> <p>3 A. And the 2013 Ford Shelby.</p> <p>4 Q. I thought you said the Ford Shelby was</p> <p>5 with Mr. Ludwick.</p> <p>6 A. No. He holds the title on it. I have the</p> <p>7 car.</p> <p>8 Q. Okay. I misunderstood that. Thank you</p> <p>9 for clarification.</p> <p>10 Now, you bought the 2015 Mercedes as an</p> <p>11 investment option; correct?</p> <p>12 A. Yes.</p> <p>13 Q. So if you're having it as an investment</p> <p>14 option, why are you using it for everyday use?</p> <p>15 A. I'm not.</p> <p>16 Q. Is somebody else using it on an everyday</p> <p>17 use?</p> <p>18 A. No.</p> <p>19 Q. So it's like in storage in Tennessee?</p> <p>20 A. It's in my garage. It gets driven but</p> <p>21 it's not a daily driver.</p> <p>22 Q. Okay. Does your wife drive?</p> <p>23 A. She does.</p> <p>24 Q. What vehicles does she drive?</p> <p>25 A. She drives a -- what does she have? A</p> | <p style="text-align: right;">96</p> <p>1 A. Yeah, I believe -- the more I think about</p> <p>2 it, I believe originally it was owned by Senvoy.</p> <p>3 Q. And how is it that your wife is able to</p> <p>4 drive a vehicle owned by Senvoy?</p> <p>5 A. Because it's owned by Senvoy. I don't</p> <p>6 understand the question.</p> <p>7 Q. Okay. So you're confusing me a little so</p> <p>8 I'm just going to ask a lot of clarifying questions.</p> <p>9 Okay. So to your knowledge the 2004 Ford</p> <p>10 Expedition is a vehicle that is currently owned by</p> <p>11 Senvoy?</p> <p>12 A. Yes.</p> <p>13 Q. And that your wife drives that vehicle?</p> <p>14 A. Yes.</p> <p>15 Q. And she uses it for her everyday use?</p> <p>16 A. Yes.</p> <p>17 Q. And on what authority does she have to</p> <p>18 drive that vehicle? I mean, did you -- did you</p> <p>19 instruct Senvoy to give her use of that vehicle?</p> <p>20 A. Yes.</p> <p>21 Q. And does your wife pay any compensation to</p> <p>22 Senvoy for the use of that vehicle?</p> <p>23 A. No.</p> <p>24 Q. Are there any other assets of Senvoy where</p> <p>25 you and your wife have use of?</p> |
| <p style="text-align: right;">95</p> <p>1 Ford Expedition.</p> <p>2 Q. Are you an owner of that car?</p> <p>3 A. No. I don't believe. There's no debt</p> <p>4 against it I don't believe.</p> <p>5 Q. I'm not asking that. I'm asking are you</p> <p>6 an owner of that car?</p> <p>7 A. I don't believe so. No.</p> <p>8 Q. But you don't know; correct?</p> <p>9 A. Correct.</p> <p>10 Q. Do you know what year the Ford Expedition</p> <p>11 is?</p> <p>12 A. 2015.</p> <p>13 Q. Did you check to see for the purposes of</p> <p>14 the judge's order and for you listing all your cars,</p> <p>15 did you check to see whether you were an owner of</p> <p>16 that car?</p> <p>17 A. Yeah. I'm going to say I'm not since it's</p> <p>18 not -- since it's not on here. I will say I'm not</p> <p>19 an owner.</p> <p>20 Q. Okay. And what is that statement based</p> <p>21 upon?</p> <p>22 A. Just going off it not being here I'm going</p> <p>23 to say I'm not the owner.</p> <p>24 Q. So it's based solely on it not being</p> <p>25 present on Exhibit 1, Bates --</p> | <p style="text-align: right;">97</p> <p>1 A. I don't know. I don't -- off the top of</p> <p>2 my head I can't but I'll have to verify that.</p> <p>3 Q. Okay. So why did you have -- why did you</p> <p>4 authorize Senvoy to allow your wife to drive the</p> <p>5 2015 Ford Expedition for her everyday use?</p> <p>6 A. Because she needed a car to drive.</p> <p>7 Q. So she needed -- so what I'm understanding</p> <p>8 you to say is she needed a car to drive. You had an</p> <p>9 asset of Senvoy that would solve that problem and</p> <p>10 therefore, you authorized her to drive it; correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And as you sit here today, you</p> <p>13 don't know if there's any other assets of Senvoy</p> <p>14 that you have authorized for either yourself or your</p> <p>15 wife to use personally; correct?</p> <p>16 A. Correct.</p> <p>17 Q. Do you have any children?</p> <p>18 A. I do.</p> <p>19 Q. What are the names of the children?</p> <p>20 A. Tristen, Max, and Kyra.</p> <p>21 Q. How old are they?</p> <p>22 A. Twenty-four, 22, and 20.</p> <p>23 Q. So it's Kristen, Mack, and Kyra?</p> <p>24 A. Tristen, Max, and Kyra.</p> <p>25 Q. Thank you. Are they using any of --</p> |

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| <p style="text-align: right;">98</p> <p>1 strike that.</p> <p>2 Did you authorize Senvoy to provide them</p> <p>3 with any assets for their personal use?</p> <p>4 A. No, I don't believe so.</p> <p>5 Q. Are they driving any vehicles of Senvoy?</p> <p>6 A. Yes.</p> <p>7 Q. Well, how is it that they're able to drive</p> <p>8 vehicles of Senvoy if you did not authorize them --</p> <p>9 or strike that.</p> <p>10 Are they employed by Senvoy?</p> <p>11 A. Yes.</p> <p>12 Q. All three of them?</p> <p>13 A. Yes. Well, no, two of them now.</p> <p>14 Q. Okay. Have all three of them been</p> <p>15 employed by Senvoy in the last two years?</p> <p>16 A. Yes.</p> <p>17 Q. Do they use the vehicles of Senvoy for</p> <p>18 their personal use?</p> <p>19 A. Yes.</p> <p>20 Q. Do they provide any compensation to Senvoy</p> <p>21 for using those vehicles for their personal use?</p> <p>22 A. No.</p> <p>23 Q. Why not?</p> <p>24 A. Because they didn't.</p> <p>25 Q. Because it's just a perk as having you as</p> | <p style="text-align: right;">100</p> <p>1 A. That's how -- that's the nature of</p> <p>2 collateral.</p> <p>3 Q. And so if you get -- if you totaled the</p> <p>4 car --</p> <p>5 A. It's insured and he would get paid.</p> <p>6 Q. Well, even though it's insured, you know</p> <p>7 that if cars are totaled they look at the market</p> <p>8 value and they have to make a determination of the</p> <p>9 market value; correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. I'm assuming that all these</p> <p>12 vehicles are insured?</p> <p>13 A. Yes.</p> <p>14 Q. To include the one that your wife drives,</p> <p>15 the Ford Expedition?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know what insurance company you</p> <p>18 use?</p> <p>19 A. Progressive, I believe.</p> <p>20 Q. Do you know how Progressive Insurance is</p> <p>21 accounted for, the payments for Progressive</p> <p>22 Insurance in your general ledger and your finances?</p> <p>23 A. I think the same way as the car payments</p> <p>24 are. I believe they're made on my behalf.</p> <p>25 Q. And do you know if the accounting</p> |
| <p style="text-align: right;">99</p> <p>1 their father; correct?</p> <p>2 A. Yes.</p> <p>3 Q. The insurance. Each one of these -- or</p> <p>4 strike that.</p> <p>5 Each one of these vehicles are licensed;</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. Are they all licensed in Oregon except for</p> <p>9 the Ford Shelby and Mercedes?</p> <p>10 A. All of them are licensed in Oregon still.</p> <p>11 Q. Okay. So you have not changed the</p> <p>12 licensing for the Mercedes or the Ford Shelby;</p> <p>13 correct?</p> <p>14 A. Correct.</p> <p>15 Q. Now, you said the Ford -- strike that.</p> <p>16 Is the Ford Shelby -- you said it's in</p> <p>17 Tennessee; correct?</p> <p>18 A. Yes.</p> <p>19 Q. Is it being driven or is it in a garage?</p> <p>20 A. Both.</p> <p>21 Q. Okay. So you're saying that Mr. Ludwick,</p> <p>22 even though the car is used as collateral, is</p> <p>23 allowing you to use the collateral?</p> <p>24 A. Yes.</p> <p>25 Q. Why?</p> | <p style="text-align: right;">101</p> <p>1 separates your insurance payments for your vehicles</p> <p>2 from the insurance payments for the vehicles that</p> <p>3 Senvoy uses?</p> <p>4 A. I do not.</p> <p>5 Q. Okay. And, okay.</p> <p>6 Now, maintenance is performed on these</p> <p>7 vehicles when needed; correct?</p> <p>8 A. Yes.</p> <p>9 Q. And there would be, in fact, yearly</p> <p>10 maintenance on these vehicles; right?</p> <p>11 A. Yes.</p> <p>12 Q. And Senvoy is paying for that maintenance?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Let's switch gears. We're going to</p> <p>15 go back to Exhibit 1.</p> <p>16 So Exhibit 1 identifies that you have a</p> <p>17 Northwestern Mutual Life Insurance policy; correct?</p> <p>18 A. Yes.</p> <p>19 Q. Face value is \$2,800; correct?</p> <p>20 A. \$2,800,000.</p> <p>21 Q. I misspoke. Thank you for the correction.</p> <p>22 And the cash value is \$72,199; correct?</p> <p>23 A. Correct.</p> <p>24 Q. How did you determine that cash value?</p> <p>25 A. I believe we pulled that off of the web, I</p> |

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| <p style="text-align: right;">102</p> <p>1 believe.</p> <p>2 Q. And who pulled it off of the web?</p> <p>3 A. Brooke.</p> <p>4 Q. Did you, just like your counsel provided</p> <p>5 me what you pulled off the web for the property tax</p> <p>6 assessments for Lots 11, 12, 14, and 15, did you</p> <p>7 pull the page or print the page from the web?</p> <p>8 A. I don't know if she did or not.</p> <p>9 MR. GARCIA: Counsel, as you know, that</p> <p>10 page has not been provided to me as we previously</p> <p>11 discussed.</p> <p>12 BY MR. GARCIA:</p> <p>13 Q. Why wasn't that page or why wasn't that</p> <p>14 information provided to me so that we can evaluate</p> <p>15 what you have listed on Exhibit 1 for the cash value</p> <p>16 of that policy?</p> <p>17 A. You know, she had some issue being able to</p> <p>18 get that information. I believe she reached out to</p> <p>19 the insurance --</p> <p>20 Q. Do you know when she did that?</p> <p>21 A. -- provider. Oh, in the last 10 days, I</p> <p>22 think. There was some issue they had with getting</p> <p>23 her that.</p> <p>24 Q. Could you have made a screenshot of what</p> <p>25 you saw when you pulled this value off?</p> | <p style="text-align: right;">104</p> <p>1 documentation.</p> <p>2 Q. So are you saying that Northwestern Mutual</p> <p>3 Insurance doesn't send you statements?</p> <p>4 A. I don't know.</p> <p>5 Q. Because how do you know how much you own</p> <p>6 then?</p> <p>7 A. well, again there's going to be history</p> <p>8 probably in the general ledger as money moves in and</p> <p>9 out.</p> <p>10 Q. Right. But the general ledger is not --</p> <p>11 the general ledger is based on other documents</p> <p>12 usually; right? You have a bill, you pay a bill.</p> <p>13 You have a loan payment, you pay a loan payment.</p> <p>14 A. Yeah.</p> <p>15 Q. So you're saying that you don't know if</p> <p>16 you -- if Northwestern Mutual Life Insurance sent</p> <p>17 you any statements regarding any of these loans?</p> <p>18 A. Correct.</p> <p>19 Q. Do you think it would be important to have</p> <p>20 documents identifying loans?</p> <p>21 A. Yes.</p> <p>22 Q. Do you think it's important for me to have</p> <p>23 documents identifying the liability to all the</p> <p>24 defendants in all of your companies?</p> <p>25 A. Yes.</p> |
| <p style="text-align: right;">103</p> <p>1 A. No.</p> <p>2 Q. Why not?</p> <p>3 A. I didn't.</p> <p>4 Q. I know you didn't but my question is could</p> <p>5 you have?</p> <p>6 A. I assume I could have. Yes.</p> <p>7 Q. Because without any information, it's hard</p> <p>8 for us to evaluate whether that is a correct figure;</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. Have you taken any loans out against your</p> <p>12 insurance policy?</p> <p>13 A. Yes.</p> <p>14 Q. When?</p> <p>15 A. I don't know the dates. It is -- our de</p> <p>16 facto line of credit over the last four or five has</p> <p>17 been my insurance company -- has been my insurance</p> <p>18 money for Senvoy.</p> <p>19 Q. Do you have any documentation to show</p> <p>20 that?</p> <p>21 A. No.</p> <p>22 Q. But if you've taken out loans you would</p> <p>23 have that documentation; right?</p> <p>24 A. We would have the money moving back and</p> <p>25 forth electronically. There's no formal</p> | <p style="text-align: right;">105</p> <p>1 Q. Well, then why weren't they produced?</p> <p>2 A. I don't -- again, there was something with</p> <p>3 Northwestern Mutual, I don't remember what it was,</p> <p>4 that she was still working on that.</p> <p>5 Q. Did you ask Ms. Wiggins if there were any</p> <p>6 statements?</p> <p>7 A. No.</p> <p>8 Q. Did Ms. Wiggins know the importance of</p> <p>9 providing all documents to me?</p> <p>10 A. Yes.</p> <p>11 Q. How did she know that importance?</p> <p>12 A. As I said earlier, it was a common</p> <p>13 conversation over the last 30-40 days.</p> <p>14 Q. And did Ms. Wiggins know to give me all</p> <p>15 the financial documents related to your assets and</p> <p>16 liabilities of all the defendants?</p> <p>17 A. Yes.</p> <p>18 Q. Do you have any investments with</p> <p>19 Northwestern Mutual?</p> <p>20 A. No.</p> <p>21 Q. So only the life insurance policy;</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. When did you take out this life insurance</p> <p>25 policy?</p> |

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| <p style="text-align: right;">106</p> <p>1 A. Oh, they've been in place 20 years.</p> <p>2 Q. And what is your month -- do you have</p> <p>3 monthly premiums for this policy?</p> <p>4 A. Yes.</p> <p>5 Q. How much?</p> <p>6 A. I don't know.</p> <p>7 Q. And you don't know if Northwest Mutual</p> <p>8 provided you any statements; correct?</p> <p>9 A. No.</p> <p>10 Q. How do you know -- or strike that. Strike</p> <p>11 that.</p> <p>12 MR. GARCIA: Court Reporter, can you</p> <p>13 please mark the next document as Exhibit 7?</p> <p>14 THE REPORTER: Yes, sir.</p> <p>15 It's been marked as such.</p> <p>16 (WHEREUPON, Exhibit 7 was marked for</p> <p>17 identification.)</p> <p>18 BY MR. GARCIA:</p> <p>19 Q. Mr. Brazie, do you recognize Exhibit 7?</p> <p>20 A. Yes.</p> <p>21 Q. It's the main checking account for Senvoy;</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. Before the last 60 days have you ever seen</p> <p>25 Exhibit 7 before?</p> | <p style="text-align: right;">108</p> <p>1 and the 15 were payments back on the debt.</p> <p>2 Q. Do you know how much debt you currently</p> <p>3 have to Northwestern Mutual?</p> <p>4 A. I don't.</p> <p>5 Q. So you have not identified to me the</p> <p>6 liability that you have to Northwestern Mutual?</p> <p>7 A. Correct.</p> <p>8 Q. Do you know how much money you can borrow</p> <p>9 from Northwestern Mutual?</p> <p>10 A. I don't.</p> <p>11 Q. Now, you're identifying to me that you're</p> <p>12 doing borrowing like for Northwestern Mutual to pay</p> <p>13 bills; correct?</p> <p>14 A. Yes.</p> <p>15 Q. So why haven't you borrowed from</p> <p>16 Northwestern Mutual to pay any of your debt to the</p> <p>17 Secretary?</p> <p>18 A. I'm sorry?</p> <p>19 Q. Why haven't you borrowed from Northwestern</p> <p>20 Mutual to pay any of your debt to the Secretary?</p> <p>21 A. There's not that -- I mean, we'll have to</p> <p>22 get -- and I don't know what the holdup was with</p> <p>23 getting those documents so we'll jump on that so</p> <p>24 that we can have a better idea. My understanding is</p> <p>25 there's not that much money in there. We borrow</p> |
| <p style="text-align: right;">107</p> <p>1 A. No.</p> <p>2 Q. But you have seen it since; correct?</p> <p>3 A. Yes.</p> <p>4 Q. Please turn to page five of Exhibit 7.</p> <p>5 And that is going to be Bates stamp 872.</p> <p>6 Are you there?</p> <p>7 A. Yes.</p> <p>8 Q. The top of the page identifies \$102,000</p> <p>9 going to Northwestern Mutual MU but I assume that's</p> <p>10 Northwestern Mutual; correct?</p> <p>11 A. Yes.</p> <p>12 Q. And it shows another -- and that payment</p> <p>13 was on -- it's an electronic payment made on May 10,</p> <p>14 2021; correct?</p> <p>15 A. Yes.</p> <p>16 Q. And then another payment on May 10th,</p> <p>17 Northwestern Mutual for over \$15,000; correct?</p> <p>18 A. Yes.</p> <p>19 Q. And then if you go down to 5-11, it</p> <p>20 identifies three payments to Northwest Mutual that</p> <p>21 if you add up is over \$6,500; correct?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Do you know which payments are for</p> <p>24 what?</p> <p>25 A. I believe the two top, the first two, 102</p> | <p style="text-align: right;">109</p> <p>1 against it, put it back, borrow against it, put it</p> <p>2 back.</p> <p>3 Q. Well, what I'm identifying from May 10,</p> <p>4 2021 is that you put back \$117,000.</p> <p>5 A. Yes.</p> <p>6 Q. So that means you had \$117,000 in your</p> <p>7 bank account to pay down your loan to Northwestern</p> <p>8 Mutual.</p> <p>9 A. Yes.</p> <p>10 Q. Instead of paying down that loan by</p> <p>11 \$117,000, why didn't you pay your debt to the</p> <p>12 Secretary?</p> <p>13 A. Because if I paid the debt to my -- if I</p> <p>14 paid that debt rather than have kept the money where</p> <p>15 I had it to use for the company, the company would</p> <p>16 cease to exist.</p> <p>17 Q. No, but you paid it back to Northwestern</p> <p>18 Mutual.</p> <p>19 A. Correct. It's a lien of credit. It goes</p> <p>20 back and forth, in and out.</p> <p>21 Q. Okay. So you have this line of credit</p> <p>22 that you didn't provide me any documentation for?</p> <p>23 A. Well, we use it as a line of credit.</p> <p>24 Q. I understand.</p> <p>25 A. Yeah.</p> |

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| <p style="text-align: right;">110</p> <p>1 THE REPORTER: Can you take those papers</p> <p>2 off the microphone, please? Thank you, sir.</p> <p>3 BY MR. GARCIA:</p> <p>4 Q. Do you have any other insurance policies?</p> <p>5 A. No. I don't believe so.</p> <p>6 Q. Let me rephrase. My question was not</p> <p>7 complete.</p> <p>8 Do you have any other life insurance</p> <p>9 policies?</p> <p>10 A. I don't believe so. I think just with</p> <p>11 Northwest Mutual.</p> <p>12 MR. GARCIA: Please mark the next exhibit</p> <p>13 as Exhibit 8.</p> <p>14 (WHEREUPON, Exhibit 8 was marked for</p> <p>15 identification.)</p> <p>16 BY MR. GARCIA:</p> <p>17 Q. Do you recognize the document at Exhibit</p> <p>18 8?</p> <p>19 A. Yes.</p> <p>20 Q. What is it?</p> <p>21 A. A Columbia Bank statement for my personal</p> <p>22 checking account.</p> <p>23 Q. Please look at -- and it's Bates stamped</p> <p>24 812 to 813. Please look at the very bottom of that</p> <p>25 page on page one, Bates stamp 812.</p> | <p style="text-align: right;">112</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. Are those those payments?</p> <p>4 A. I believe so. Yes.</p> <p>5 Q. Okay. And so each one of those payments</p> <p>6 is \$4,950; correct?</p> <p>7 A. Yes.</p> <p>8 Q. Now, the life insurance premium at Exhibit</p> <p>9 8 is paid out of your personal banking account,</p> <p>10 Columbia Bank; right?</p> <p>11 A. Yes.</p> <p>12 Q. It's not paid by Senvoy; correct?</p> <p>13 A. Correct.</p> <p>14 Q. So why is that life insurance premium paid</p> <p>15 out of your personal bank account and your other</p> <p>16 life insurance premiums are not?</p> <p>17 A. I don't know. I haven't done business</p> <p>18 with Farmers in a long time so my guess is that --</p> <p>19 Q. I don't want you to speculate.</p> <p>20 A. Well, it would be an educated speculation.</p> <p>21 Q. An estimate. When you say guess, my radar</p> <p>22 antennae goes (indiscernible).</p> <p>23 MR. PATERNOSTER: If you think you have</p> <p>24 some insight into --</p> <p>25 THE WITNESS: We used to use Farmers</p> |
| <p style="text-align: right;">111</p> <p>1 You see there's a life insurance premium;</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know who that life insurance</p> <p>5 premium is being paid for?</p> <p>6 A. I do not.</p> <p>7 Q. Could it be you?</p> <p>8 A. It could be.</p> <p>9 Q. And could it have -- could that insurance</p> <p>10 have cash value?</p> <p>11 A. You know, I don't know what \$18.83, I</p> <p>12 can't imagine what that is for. I don't know.</p> <p>13 Q. Now, you also see there are two -- or</p> <p>14 strike that.</p> <p>15 So the bank statement at Exhibit 8 is a</p> <p>16 bank statement from Columbia Bank that has a</p> <p>17 statement date of 9-15-2021; correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And it also has two deposits on the</p> <p>20 first page Bates stamp number 812, Exhibit 8;</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. Is that -- and you previously stated that</p> <p>24 the rental of your 14481 SE Wy East property were</p> <p>25 deposited directly into your Columbia Bank account;</p> | <p style="text-align: right;">113</p> <p>1 Insurance as our insurance carrier 15-20 years ago.</p> <p>2 BY MR. GARCIA:</p> <p>3 Q. Okay.</p> <p>4 A. And so we probably set it up that way all</p> <p>5 those years ago and it just stood the test of time.</p> <p>6 Honestly, I don't think I even knew about it so I</p> <p>7 don't -- that would be my answer to that question</p> <p>8 why Senvoy doesn't pay it.</p> <p>9 Q. Okay. Thank you for your explanation.</p> <p>10 You've heard of the Payroll Protection</p> <p>11 Act?</p> <p>12 A. Yes.</p> <p>13 Q. Or Payroll Protection Program. Did any of</p> <p>14 your companies receive any monies from those?</p> <p>15 A. Yes.</p> <p>16 Q. Which ones?</p> <p>17 A. Senvoy and --</p> <p>18 Q. ZoAn? I'm sorry, go ahead.</p> <p>19 A. Senvoy and ZoAn.</p> <p>20 Q. Do you know how much they received?</p> <p>21 A. No.</p> <p>22 Q. Can you estimate how much they received?</p> <p>23 A. Probably a million dollars.</p> <p>24 Q. Okay. And Senvoy received its Payroll</p> <p>25 Protection Program payment last year and ZoAn</p> |

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| <p style="text-align: right;">114</p> <p>1 Management, Inc. received it this year; correct?</p> <p>2 A. I don't know the dates.</p> <p>3 Q. Do you know the years?</p> <p>4 A. Well, obviously in the last 2020 and 2021.</p> <p>5 Q. Okay. But I'm asking do you know which</p> <p>6 year Senvoy received it and which year ZoAn received</p> <p>7 it?</p> <p>8 A. No.</p> <p>9 Q. Do you know where this money was</p> <p>10 deposited?</p> <p>11 A. No.</p> <p>12 MR. GARCIA: Court Reporter, please mark</p> <p>13 the next exhibit as Exhibit 9.</p> <p>14 THE REPORTER: Yes, sir.</p> <p>15 It has been marked as such.</p> <p>16 (WHEREUPON, Exhibit 9 was marked for</p> <p>17 identification.)</p> <p>18 BY MR. GARCIA:</p> <p>19 Q. Mr. Brazie, do you recognize Exhibit 9?</p> <p>20 A. Yes.</p> <p>21 Q. What is it?</p> <p>22 A. Key Bank checking account statement.</p> <p>23 Q. For Senvoy; correct?</p> <p>24 A. Yes.</p> <p>25 Q. And it's for April of 2020; correct?</p> | <p style="text-align: right;">116</p> <p>1 Exhibit 9, Bates stamp 641.</p> <p>2 Do you see how there are credit cards</p> <p>3 listed on that page?</p> <p>4 A. Yes.</p> <p>5 Q. So this Payroll Protection Program funds</p> <p>6 went into a general checking account that paid for</p> <p>7 your personal credit cards; correct?</p> <p>8 A. The checking account did pay for my</p> <p>9 personal credit cards. Yes.</p> <p>10 Q. Right. And we don't know if part of the</p> <p>11 money that was used that you received from the</p> <p>12 Payroll Protection Program paid for your credit</p> <p>13 cards because you just comingled the funds; correct?</p> <p>14 A. Yes.</p> <p>15 Q. I'll just ask you a general question, so</p> <p>16 we'll go through. So on the -- I'm sorry, let's go</p> <p>17 to the next page of Exhibit 1. That would be page</p> <p>18 five, Bates stamp 642.</p> <p>19 You see that there are Point West Credit</p> <p>20 Union payments; correct? Page five, Bates stamp</p> <p>21 642. I'll wait for you to get there.</p> <p>22 A. Yes. Okay.</p> <p>23 Q. Okay. So if we go down, we see Point West</p> <p>24 Credit Union payment of -- on April 13th for</p> <p>25 \$800.84.</p> |
| <p style="text-align: right;">115</p> <p>1 A. Yes.</p> <p>2 Q. And the Bates stamp number is -- I'm not</p> <p>3 going to ask you a question. I'm just going to say</p> <p>4 it for the record. The Bates numbers go from 638 to</p> <p>5 644.</p> <p>6 I'm going to ask you to turn to page two.</p> <p>7 Are you at that page?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. So I'm only going to show you this</p> <p>10 one for Senvoy. But, so it shows a receipt of the</p> <p>11 Payroll Protection Program (PPP) Cares Program of</p> <p>12 \$616,760 on April 22, 2021.</p> <p>13 A. Yes.</p> <p>14 Q. What did you use that money for?</p> <p>15 A. Well, payroll specifically. And then</p> <p>16 there were, you know, bills also that had to get</p> <p>17 paid.</p> <p>18 Q. And so this money was provided into your</p> <p>19 corporate checking account; correct?</p> <p>20 A. Yes.</p> <p>21 Q. And so those bills that needed to be paid</p> <p>22 were all the bills for the corporate checking</p> <p>23 account?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. So please turn to page four of</p> | <p style="text-align: right;">117</p> <p>1 Do you see that?</p> <p>2 A. No. Tell me where. I'm sorry.</p> <p>3 Q. Okay. You're on page five?</p> <p>4 A. Oh, yes. \$800.84. Yes.</p> <p>5 Q. And when we previously reviewed the Point</p> <p>6 West bank statement you identified that one of the</p> <p>7 vehicles you were paying off was \$884; right?</p> <p>8 A. Correct.</p> <p>9 Q. I mean, \$800.84; right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So I can go to your credit card</p> <p>12 statements or things to show that but essentially --</p> <p>13 or strike that.</p> <p>14 So you have an American Express credit</p> <p>15 card payments like on page five, Bates stamp 642 of</p> <p>16 Exhibit 9 like for \$2,500 and you have Capital One.</p> <p>17 You have Citibank. Those different statements.</p> <p>18 Those are your private personal credit cards that</p> <p>19 Senvoy is paying; correct?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 THE REPORTER: What would you like this</p> <p>23 marked at, sir?</p> <p>24 MR. GARCIA: Exhibit 10. I'm sorry, my</p> <p>25 apologies.</p> |

138

140

1 MR. GARCIA: Thank you, counsel, for
 2 reminding me.
 3 BY MR. GARCIA:
 4 Q. Mr. Brazie, do you recognize the document,
 5 Exhibit 14?
 6 A. Yes.
 7 Q. What is it?
 8 A. Key Bank statement for Senvoy.
 9 Q. Right. And it is for -- it's the June
 10 statement. So it's June 1 to June 30; correct?
 11 A. Yes.
 12 Q. And for the record, the Bates stamp
 13 numbers are 0 -- correction, are 706 to 712.
 14 Mr. Brazie, I'm going to direct your -- so
 15 this -- or strike that.
 16 So turn to page four. Turn to page four,
 17 Bates stamp 709. So this bank statement continues
 18 to list the credit card payments to your credit card
 19 companies at Capital One and American Express and
 20 Cabela's; correct?
 21 A. Yes.
 22 Q. And Point One; correct?
 23 A. Yes.
 24 Q. Okay. I specifically want you to look at
 25 page five.

1 Q. Do you ever tell her words to the effect
 2 of -- giving her a limit, say like \$200,000,
 3 \$100,000, say you have to get my approval first
 4 before you do any distribution or spending of money
 5 above that amount?
 6 A. No.
 7 Q. So what check and balance is there on Ms.
 8 Wiggins, if any?
 9 A. None.
 10 Q. Does your CPA audit the books? Strike
 11 that.
 12 How often does your CPA audit your
 13 financials of Senvoy?
 14 A. Not very often. I couldn't tell you the
 15 last time.
 16 Q. That was going to be my next question.
 17 But let me formally ask it.
 18 When was the last time your CPA audited
 19 the books of Senvoy?
 20 A. Yeah, I can't remember.
 21 Q. Thank you.
 22 A. It's not something we do very often.
 23 Q. Would it be not in the last couple of
 24 years? Would that be a fair statement?
 25 A. No, I wouldn't think so.

139

141

1 Do you see on June 10th there a
 2 significant electronic transfer of \$325,000 to a
 3 Bank of America account 5389?
 4 A. Yes.
 5 Q. And you see two days later on June 12th
 6 there's another withdrawal of \$85,000 to also
 7 account 5389?
 8 A. Yes.
 9 Q. What were those for?
 10 A. I don't know.
 11 Q. Those are pretty significant withdrawals;
 12 correct? They're over \$400,000.
 13 A. Yes.
 14 Q. Okay. Did you have any loans with Bank of
 15 America?
 16 A. No. Not that I'm aware of.
 17 Q. When Ms. Wiggins does, you know, approves
 18 wire transfers or issues checks, does she have a
 19 limit on how much money that she has the authority
 20 to write checks for or approve wire transfers for?
 21 A. No.
 22 Q. So it's unlimited; correct?
 23 A. Yes.
 24 Q. Do you ever follow up and review?
 25 A. No.

1 Q. So you're saying, correct, not in the last
 2 couple of years?
 3 A. Correct. Yeah.
 4 Q. Thank you.
 5 Actually, let me just check and see if I
 6 have anything on the next page.
 7 I do have two more questions. Or one of
 8 my questions.
 9 Do you know of any of your legal entities,
 10 any of the companies you own, plus yourself, have
 11 any dealings with Bank of America?
 12 A. To the best of my knowledge, no.
 13 Q. Have any of your legal entities to include
 14 yourself had any dealings with Bank of America in
 15 the last five years?
 16 A. Have any what? I'm sorry.
 17 Q. Dealings?
 18 A. Not that I'm aware of.
 19 MR. GARCIA: Okay. Counsel, we can break
 20 for lunch now.
 21 THE REPORTER: Do you want me to call us
 22 off the record?
 23 MR. GARCIA: I'm sorry; let's go off the
 24 record.
 25 THE REPORTER: The time is 12:01 p.m. and

146

148

1 or the procedures that we've done and the way that
2 we have -- from a financial perspective, you know,
3 has all been done working with him. So did he
4 specifically come out and help me in writing this
5 up? No. Did he -- have we talked and does he
6 believe what is in here is true and was I able to
7 place or get some advice from him about what this
8 might look at? Yes.

9 Q. Okay. So let me back up to my question.
10 So paragraph 72 refers to document Exhibit
11 2.

12 Do you understand that?

13 A. Yes.

14 Q. So it's not this as in Exhibit 15 --

15 A. Correct.

16 Q. -- that paragraph 72 is in reference to.

17 It's in reference to Exhibit 2.

18 Do you understand that?

19 A. Yes.

20 Q. Okay. So what I hear you saying is when
21 you wrote, "I prepared this in conjunction with my
22 accountant," what I understand you to be saying is
23 you prepared Exhibit 2 with your understanding of
24 the accountant's policies and that's what you meant
25 in conjunction with?

1 Q. Do you see that, Mr. Brazie?

2 A. Yes.

3 Q. Do you know who that check was made out
4 to?

5 A. I do not.

6 MR. GARCIA: Please mark the next document
7 as Exhibit 16, please.

8 THE REPORTER: It has been marked as such.

9 (WHEREUPON, Exhibit 16 was marked for
10 identification.)

11 BY MR. GARCIA:

12 Q. Do you recognize what Exhibit 16 is?

13 A. Yes.

14 Q. What is it?

15 A. This is our general ledger for ZoAn
16 Management.

17 Q. Okay. Okay. So Exhibit 15 identified the
18 date of the check was 6-5; correct? The previous
19 exhibit, Exhibit 15.

20 A. Yes.

21 Q. Okay. Please turn to -- I just had it.
22 Please turn to page -- the Bates stamp 5639 of
23 Exhibit 16.

24 A. Okay.

25 Q. And that shows \$150,000 being deposited

147

149

1 A. Yeah. No. My accountant and I -- I've
2 had the same accountant for 15 years. And so as we
3 have worked together over the years, the basis of
4 our financials are based on what we've done together
5 historically. So the systems that have been put in
6 place working with him are the ones that I counted
7 on to provide you the information.

8 Q. So what I'm understanding you to say is
9 you put in conjunction with my accountant based on
10 your previous interactions about the systems that
11 were in place for your financials but you didn't
12 specifically communicate or interact with your
13 accountant for anything in Exhibit 2.

14 Is that a correct understanding?

15 A. Correct.

16 Q. Okay. Turn to Exhibit 14, please.

17 Okay. Page three. Can you turn to page
18 three of Exhibit 14? Do you see a \$150,000 check
19 there?

20 MR. PATERNOSTER: Counsel, would you mind
21 identifying the dates if you have that?

22 MR. GARCIA: Yes. It's at the very bottom
23 of the middle column. It's June 5th, Bates stamp
24 708.

25 BY MR. GARCIA:

1 for ZoAn Management on the date -- or transferred to
2 ZoAn Management on June 8th.

3 A. Yes.

4 Q. Does that ring a bell?

5 A. No, not specifically. But in my educated
6 opinion it looks like it's transfers to cover ZoAn's
7 -- to cover any outflow that ZoAn had, possibly
8 payroll.

9 Q. ZoAn's payroll is not \$150,000; right?

10 A. What's that?

11 Q. ZoAn's payroll is not \$150,000; right?

12 A. Well, no, among other things would be my
13 guess.

14 Q. Okay. Still on that same page -- I don't
15 want you to guess though. But I thank you for --

16 A. Or my educated guess I should say.

17 Q. Okay. So on the same page, you see after
18 ZoAn got a check for \$150,000, then there is a
19 shareholder distribution for \$50,000.

20 Do you see that?

21 A. Mm-hmm. Yes.

22 Q. So if I understand it, Senvoy gives or
23 sends \$150,000 to ZoAn and a couple days later after
24 ZoAn gets that then makes a \$50,000 distribution;
25 correct?

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| <p style="text-align: right;">150</p> <p>1 A. Yes.</p> <p>2 Q. And who's the shareholder for ZoAn?</p> <p>3 A. Me.</p> <p>4 Q. So ZoAn sends -- correct. Senvoy sends</p> <p>5 \$150,000 to ZoAn and then a couple days later ZoAn</p> <p>6 makes a distribution of \$50,000 to you; correct?</p> <p>7 A. Yes.</p> <p>8 Q. So then the money that Senvoy sent to ZoAn</p> <p>9 was not just to pay their payroll, it's also to make</p> <p>10 a distribution to you; correct?</p> <p>11 A. I don't know but that distribution did</p> <p>12 take place.</p> <p>13 Q. Right. Within days of that money being</p> <p>14 sent from Senvoy to ZoAn; correct?</p> <p>15 A. Yes.</p> <p>16 Q. Now, I'm going to go back to your</p> <p>17 declaration, Exhibit 15. And I want you to go to</p> <p>18 page nine, paragraph 56.</p> <p>19 Are you there?</p> <p>20 A. Yes.</p> <p>21 Q. I'm going to read paragraph 56. It says,</p> <p>22 "To keep the company going, I have contributed my</p> <p>23 own money, for the most part, everything I have, to</p> <p>24 keep the company afloat over the last four years."</p> <p>25 Did I read that correctly?</p> | <p style="text-align: right;">152</p> <p>1 A. That's, like I said, I don't know. I'll</p> <p>2 have to find that out.</p> <p>3 Q. This is not the first time, nor the only</p> <p>4 time that that has been done.</p> <p>5 A. No, it happens all the time.</p> <p>6 MR. GARCIA: Would you please mark the</p> <p>7 next document as Exhibit 18, please?</p> <p>8 THE REPORTER: It's been marked as such.</p> <p>9 (WHEREUPON, Exhibit 18 was marked for</p> <p>10 identification.)</p> <p>11 BY MR. GARCIA:</p> <p>12 Q. So one thing, I'm just going to go on the</p> <p>13 record back to Exhibit 16. Exhibit 16 is a general</p> <p>14 ledger for ZoAn Management. It's from Bates stamp</p> <p>15 5635 to Bates stamp 5644. And it's a general ledger</p> <p>16 of the Key Bank Checking for ZoAn Management for the</p> <p>17 year of 2020.</p> <p>18 Exhibit 18 is also ZoAn Management General</p> <p>19 Ledger as of December 31, 2020 from Bates stamp 5712</p> <p>20 to Bates stamp 5713.</p> <p>21 Do you recognize Exhibit 18?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Exhibit 18, at the bottom of</p> <p>24 Exhibit 18, the first page, continuing on to the</p> <p>25 second page is Shareholder Distributions by ZoAn</p> |
| <p style="text-align: right;">151</p> <p>1 A. Yes.</p> <p>2 Q. Okay. So here we have Senvoy sending ZoAn</p> <p>3 \$150,000 and then shortly thereafter, literally</p> <p>4 within days, ZoAn is making a distribution of</p> <p>5 \$50,000 to you; correct?</p> <p>6 A. Yes.</p> <p>7 Q. So is that statement in paragraph 56 true?</p> <p>8 A. One hundred percent, absolutely. We don't</p> <p>9 know where this money went. Well, I'd have to find</p> <p>10 that out whether it went to pay back debt, whether</p> <p>11 or not it moved onto somewhere else. I don't know.</p> <p>12 Q. But it's --</p> <p>13 A. So --</p> <p>14 Q. I'm sorry; I didn't mean to interrupt.</p> <p>15 A. And there had been money going in and</p> <p>16 going out now for four years as I've been covering</p> <p>17 the expenses and the shortfall, particularly over</p> <p>18 the last -- or in particular in '19 and '20. So did</p> <p>19 I put this money in my pocket? I doubt it but I</p> <p>20 don't have the history on that but I stand by my</p> <p>21 statement 100 percent.</p> <p>22 Q. So let me ask you this then because I'm a</p> <p>23 little confused. Yeah, I'm confused. Why would</p> <p>24 Senvoy have to send money to ZoAn so ZoAn can make a</p> <p>25 shareholder's distribution?</p> | <p style="text-align: right;">153</p> <p>1 Management; correct?</p> <p>2 MR. PATERNOSTER: Counsel, can we just</p> <p>3 confirm for the record, I think you said Exhibit 18.</p> <p>4 Are we working off of Exhibit 17 still? We may not</p> <p>5 have a copy of Exhibit 18.</p> <p>6 MR. GARCIA: If you do not have a copy, I</p> <p>7 apologize.</p> <p>8 MR. PATERNOSTER: No. It's numbered. It</p> <p>9 could have been a lot of different things. All</p> <p>10 right, I think we're good.</p> <p>11 MR. GARCIA: Okay.</p> <p>12 MR. PATERNOSTER: Thank you. Sorry.</p> <p>13 MR. GARCIA: No problem.</p> <p>14 BY MR. GARCIA:</p> <p>15 Q. So at the bottom of Exhibit 18, the first</p> <p>16 page of Bates stamp 5712, continuing on to Bates</p> <p>17 stamp 5713, it identifies the shareholder</p> <p>18 distributions that ZoAn Management, Inc. has made</p> <p>19 for 2020; correct?</p> <p>20 A. Yes.</p> <p>21 Q. And on the second page of Exhibit 18,</p> <p>22 Bates stamp 5713, identifies a total of \$209,950.39</p> <p>23 of shareholder distributions; correct?</p> <p>24 A. Yes.</p> <p>25 Q. And again, you're the only shareholder of</p> |

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| <p style="text-align: right;">154</p> <p>1 ZoAn Management, Inc.; correct?</p> <p>2 A. Correct.</p> <p>3 MR. GARCIA: Counsel, I apologize -- no,</p> <p>4 okay.</p> <p>5 MR. PATERNOSTER: Did I mess up your</p> <p>6 numbers?</p> <p>7 MR. GARCIA: Yeah.</p> <p>8 Go off the record for a second.</p> <p>9 THE REPORTER: The time is 1:21 p.m. and</p> <p>10 we are now off the record.</p> <p>11 (WHEREUPON, a recess was taken.)</p> <p>12 THE REPORTER: The time is 1:22 p.m. and</p> <p>13 we are now back on the record.</p> <p>14 MR. GARCIA: So I just want to correct the</p> <p>15 record. There is no Exhibit 17.</p> <p>16 I'm going to ask you to mark this document</p> <p>17 as Exhibit 19.</p> <p>18 THE REPORTER: It has been marked as such.</p> <p>19 (WHEREUPON, Exhibit 19 was marked for</p> <p>20 identification.)</p> <p>21 BY MR. GARCIA:</p> <p>22 Q. Mr. Brazie, Exhibit 19 is ZoAn Management,</p> <p>23 Inc. general ledger as of August 31, 2021 with a</p> <p>24 Bates stamp 7030; correct?</p> <p>25 A. Yes.</p> | <p style="text-align: right;">156</p> <p>1 20.</p> <p>2 BY MR. GARCIA:</p> <p>3 Q. Mr. Brazie, do you recognize Exhibit 20?</p> <p>4 A. Yes.</p> <p>5 Q. What is it?</p> <p>6 A. General ledger again from ZoAn Management</p> <p>7 through August 31, 2021.</p> <p>8 Q. Right. And for this particular one it's</p> <p>9 Bates stamped 7057 to 7058. Now, I'm focusing on</p> <p>10 the utilities for ZoAn Management.</p> <p>11 Do you recognize any of the bills</p> <p>12 underneath that?</p> <p>13 A. I can -- I don't but they're clearly mine</p> <p>14 from my house in Tennessee.</p> <p>15 Q. Correct. So, and it's just the bills that</p> <p>16 are being paid each month.</p> <p>17 A. Correct.</p> <p>18 Q. I'm just going to go through them. Not</p> <p>19 the amounts but the, excuse me, the types of bills.</p> <p>20 Do you know what Microfton Utility</p> <p>21 District, do you know what utilities that provides?</p> <p>22 A. No.</p> <p>23 Q. It provides water.</p> <p>24 And Franklinton is in Williamson County;</p> <p>25 correct?</p> |
| <p style="text-align: right;">155</p> <p>1 Q. And this document identifies the</p> <p>2 shareholder distribution for year to date up until</p> <p>3 August 31, 2021 is a total of \$291,000 year to date</p> <p>4 August 31, 2021; correct?</p> <p>5 A. Correct.</p> <p>6 Q. And you don't know where the shareholder</p> <p>7 distribution went; correct?</p> <p>8 A. I don't have the details for that. No.</p> <p>9 MR. GARCIA: Please mark the next document</p> <p>10 as Exhibit 20. But don't give it to him yet.</p> <p>11 THE REPORTER: Okay.</p> <p>12 (WHEREUPON, Exhibit 20 was marked for</p> <p>13 identification.)</p> <p>14 BY MR. GARCIA:</p> <p>15 Q. So Mr. Brazie, what are the expenses or</p> <p>16 the costs that ZoAn Management has?</p> <p>17 A. Mostly employee.</p> <p>18 Q. Employee-related costs, like benefits,</p> <p>19 pay?</p> <p>20 A. Yes.</p> <p>21 Q. Things of that nature? Have any other</p> <p>22 costs besides employee-related costs?</p> <p>23 A. I'm sure it has some overhead, rent,</p> <p>24 things of that nature.</p> <p>25 MR. GARCIA: You may now give him Exhibit</p> | <p style="text-align: right;">157</p> <p>1 A. Yes.</p> <p>2 Q. City of Franklin. Do you know what those</p> <p>3 payments were for?</p> <p>4 A. No.</p> <p>5 Q. Do you know whether they were payments for</p> <p>6 garbage?</p> <p>7 A. I don't know.</p> <p>8 Q. Okay. Do you see there's also Atmos</p> <p>9 Energy.</p> <p>10 Do you know what services Atmos Energy</p> <p>11 provides?</p> <p>12 A. No.</p> <p>13 Q. You don't know whether it provides natural</p> <p>14 gas, like on its website?</p> <p>15 A. I do not.</p> <p>16 Q. Okay. And then Comcast Tennessee. And do</p> <p>17 you have cable and TV service at your home in</p> <p>18 Tennessee?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know who provides it?</p> <p>21 A. Comcast.</p> <p>22 Q. And so if you look on the second page of</p> <p>23 Exhibit 20, Bates stamp 7058, it identifies year to</p> <p>24 date that it's over \$10,000 that's been paid for</p> <p>25 your utilities in Tennessee; correct?</p> |

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| <p style="text-align: right;">162</p> <p>1 that and so I can get you the answer to that 2 question. It's just that wouldn't be the type of 3 thing that I would concentrate on. 4 Q. I understand that. But I guess do you 5 also know that a corporation needs an attorney to 6 represent it in a court of law, in the Federal 7 District Courts? 8 A. I'm sorry? 9 Q. Do you know that a corporation needs an 10 attorney to represent it? It cannot represent 11 itself pro se? 12 A. No. 13 Q. So you don't know of the extra issues that 14 are involved with a company being a corporation as 15 opposed to a limited liability company; would that 16 be correct? 17 A. Off the top of my head, no. 18 Q. And I hate to repeat myself and I 19 apologize if I said this earlier. You see no issue 20 in consolidating the functions that ZoAn Management, 21 Inc. performs into Senvoy, LLC; correct? 22 A. Correct. 23 Q. Now, we're going to go back to Exhibit 1. 24 You should always keep Exhibit 1 separate. 25 A. And of course I didn't.</p> | <p style="text-align: right;">164</p> <p>1 specifically looked at to make that determination. 2 A. I don't have to look at it. In fact, 3 whatever I looked at, I don't have to look at 4 anything. I know what the companies are worth. I 5 work in it every day. So the revenue is down almost 6 60 percent since 2018. And the land is about \$3.5 7 million in debt against what might be \$1.2 million 8 asset. It's a development that hasn't been able to 9 get off the ground, nor will it obviously any time 10 soon. So you take the loss of revenue, the 11 additional expenses that are combined, that are 12 added because of the cost of operating today in the 13 world of COVID. Costs have gone through the roof. 14 So both companies are unprofitable. We'll say all 15 three companies, but really, the two operating 16 companies, Senvoy and to a smaller extent, TKM Land, 17 hold zero value if I were to try to sell them. 18 Q. So what I'm hearing you saying is they 19 have no value based on your experience based on the 20 debts and the loan. 21 A. And the operations. 22 Q. And the operations. 23 A. Yes. 24 Q. But you have not looked at any particular 25 documents showing the value of those companies;</p> |
| <p style="text-align: right;">163</p> <p>1 Q. That's okay. 2 Is that my personal financial statement? 3 A. Yes. 4 Q. That's why I made it number one. 5 A. There it is. 6 Q. Okay. Now, in that you said that your 7 companies are Senvoy, LLC; TKM Land, LLC; and ZoAn 8 Management, Inc. all have a value of zero. 9 A. Yes. 10 Q. How was that determination made? 11 A. The companies are all currently either 12 under water or losing money and the debt that they 13 have. 14 Q. And who made that determination? 15 A. Me 16 Q. Did you look at financials to make that 17 determination? 18 A. Yes. 19 Q. What did you look at? 20 A. It would have been financials, you know, 21 through June 30. It's pretty straightforward. Just 22 looking at the debt that the companies have would 23 tell you that there's very little -- there's very 24 little value there. 25 Q. So I'd really like to know what you</p> | <p style="text-align: right;">165</p> <p>1 correct? 2 A. The document would just tell me what I put 3 on the document so I wouldn't look at a document. I 4 know without looking at it. 5 Q. Right. But you don't put the figures in 6 the document, right, because Ms. Wiggins does; 7 correct? 8 A. Well, I don't do the financials if that's 9 your question. 10 Q. Right. 11 A. Yeah; correct. 12 Q. Right. Because, so therefore, you don't 13 do the financials in the document; correct? 14 A. I don't do the financials. That's 15 correct. I just look at them. 16 Q. Right. And so what I'm asking you is did 17 you actually look at the financials before you made 18 that determination of zero? 19 A. Yes. 20 Q. And what financial documents did you look 21 at? 22 A. I don't remember the months specifically 23 but pretty much any month would tell me the same 24 thing. 25 Q. So what I'm understanding you to say is</p> |

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| <p style="text-align: right;">166</p> <p>1 really if I looked at the documents, the documents 2 would show me, but you can't remember what you 3 looked at. Is that what you're telling me? 4 A. Well, it doesn't change what I looked at. 5 I said it's either, any month that I happen to look 6 at is going to tell me what I need to know which is 7 that the companies are -- have zero value. Add on 8 top of it that I have independent -- or I don't use 9 independent contractors which is what 90 percent of 10 the market does and it makes the company even less 11 marketable. So you have to take that into account. 12 So you have a company with negative cash flow. 13 You've got a company that's not making a net profit 14 when you look at ZoAn and Senvoy and TKM Land 15 together. 16 Q. But these companies that have zero value 17 and a have a loss in revenue and are not making any 18 money are paying your personal bills; right? 19 A. Well, again, the question there is, yeah, 20 if they didn't pay my personal bills I would then 21 have to shut this company down and go -- 22 Q. Right. 23 A. -- do something else. 24 Q. Right. So the function of Senvoy is to 25 remain open to pay your bills; right?</p> | <p style="text-align: right;">168</p> <p>1 Either I'm able to pay myself a salary, pay myself 2 money in order to do that or I have to go do that 3 somewhere else. So if I can do that inside of the 4 company the way that I have, we keep everybody 5 employed, that's a win-win for everybody. If I'm 6 not going to pay myself, why would I work? 7 Q. So let me say it a different way. You 8 are, as I noted in the documents that were filed 9 with the court for contempt, there was a three-month 10 timespan in 2020 where you and your wife were 11 incurring over \$80 in one sitting in a bill that was 12 used on the credit card every other day in a three- 13 month period. There's a difference between I have 14 to live and I have to go buy groceries as opposed to 15 going out and living that type of lifestyle. So if 16 a company is in dire financial straits, why are you 17 spending so much money on what you're spending money 18 on? 19 A. My value is whatever I think it is. So 20 either my time is worth it for me to pay myself or 21 it's not. And if it's not, and if I can't get what 22 I think I'm worth, then I simply will bankrupt that, 23 shut it down, and go do something else. I try not 24 to -- I've avoided doing that because I, like I 25 said, I have 85 employees in a business that have</p> |
| <p style="text-align: right;">167</p> <p>1 A. Well, that, and I have, you know, 75-80 2 employees, many of which have worked for me for 20 3 years. 4 Q. Right. 5 A. So I feel a responsibility for them, 6 obviously. 7 Q. But you also have employees that worked 8 with you that are part of that \$3.2 million 9 judgment; correct? 10 A. Correct. 11 Q. And -- 12 A. That doesn't change the fact that 85 13 people will be out of business if I close down. 14 Q. Right. But let's look at your expenses; 15 right? 16 A. Okay. 17 Q. You're making personal expenses of going 18 out and your wife is charging for massages and nails 19 and your wife is buying wine and your boss -- if I 20 said your boss I made a mistake. It's your wife. 21 And your wife is going to Calhoun's. And I'll get 22 into some of the other expenses shortly. But if a 23 company is in dire financial straits as you say, 24 then why are you making those type of expenditures? 25 A. Again, I have to -- I have to live.</p> | <p style="text-align: right;">169</p> <p>1 been around for 25 years. 2 But the reality is, the question you're 3 really getting at is paying the Department of Labor 4 back and paying those employees back and what I 5 spend every month has never had an impact on whether 6 or not I'm able to pay those people. The reality is 7 that they were going to get paid out of real estate 8 sales that I was doing and that would have been -- 9 that was the only way that they were going to get 10 the \$3.2 million. That obviously blew up for a 11 myriad of reasons in the intervening two and a half 12 years, and that's the reason that we're sitting 13 here. 14 How much my wife spends at Bed Bath & 15 Beyond isn't going to get the \$3.2 million paid 16 back, nor is it going to get the millions that are 17 owed to the other entities also. They're not going 18 to get paid back. Had I been able to close the real 19 estate like we were working on then the feds were 20 the first ones to get paid. That didn't happen. 21 Q. Okay. But what I understand you to say, 22 and again, you know, like I've done throughout the 23 deposition, I tried to summarize what I understand 24 you to say and ask you to correct. I understand 25 that you are a sophisticated businessman. That</p> |

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| <p style="text-align: right;">186</p> <p>1 of those -- or guaranteed payments -- as you go 2 through those credit card payments, those are then 3 taken in the aggregate and what belonged to me, it 4 comes to me as a guaranteed payment, flows through 5 my tax returns as income and then what is company 6 expenses gets expensed. 7 Q. Okay. But we have no -- but you have not 8 filed 2019 and 2020 tax returns? 9 A. Correct. 10 Q. So that has not happened yet of what you 11 just said; correct? 12 A. Correct. But it's happened in previous 13 years, so you can look to 2018 as an example. 14 Q. But I've not received the 2018 general 15 ledger. 16 A. Okay. 17 MR. PATERNOSTER: Did we only provide '19 18 through '21? 19 MR. GARCIA: Yeah. That's my predicament. 20 THE WITNESS: I don't remember what your 21 original question was, sorry, but that was -- when 22 you said Senvoy pays the bills, I wanted to make 23 sure that -- 24 BY MR. GARCIA: 25 Q. Okay. So I understand what you're</p> | <p style="text-align: right;">188</p> <p>1 have money and payments going through several 2 different accounts to do that. And usually, like I 3 said, I'm not casting any dispersions against you. 4 Usually I find out that's when people are trying to 5 hide money to do that. 6 So long story short, that's why I'm 7 expressing concern, partially why I'm asking you 8 these questions because I have serious concerns when 9 we're told that, well, at the end of the year we 10 reconcile because I've seen many times where that 11 does not occur. 12 Okay. So I actually have a couple 13 statements to go through that would show that you 14 made charges at like at Universal Men's Clinic; 15 correct? 16 A. Yes. 17 Q. And you've made multiple charges at that? 18 A. Yes. 19 Q. And I won't go into detail and ask you 20 what that is for. 21 So let me, in lieu of that, let me just 22 ask you this. Other than that State Farm Insurance 23 policy premium that we saw on Columbia Bank less 24 than \$20 appears to be made on a monthly basis, is 25 it safe to say that all of the personal expenses of</p> |
| <p style="text-align: right;">187</p> <p>1 testifying. What I understand you saying, and I 2 think you said this earlier, but your companies, be 3 it ZoAn or Senvoy, pay your private personal bills 4 and that you believe that at the end of the year 5 there's a reconciliation of those payments. 6 A. Yes. 7 Q. Okay. Such that the payments for you get 8 charged to you? 9 A. Yes. 10 Q. Okay. And one statement I will make to 11 you is you have all this transfers of money going 12 between one account or one business to another 13 business. We walked through one of them. That was 14 the \$150,000 from Senvoy to ZoAn and then a couple 15 days later there was a \$50,000 shareholder 16 distribution. And so usually when I see that 17 happening like that where it bounces around to 18 different companies, it's to cause confusion and to 19 hide things because then you literally have to 20 follow the money and follow the paper trail. That's 21 how I found out that Senvoy was paying for your 22 credit cards is because I got the credit card 23 statement from Capital One and then I tracked back 24 the routing number and the account number and found 25 out it was Senvoy. So that's what happens when you</p> | <p style="text-align: right;">189</p> <p>1 your wife and you, be it medical, dental, groceries, 2 eating out, entertainment, vehicle related are paid 3 by one of your companies, either Senvoy or ZoAn? 4 A. Yes. 5 Q. Okay. And then you have the expectation 6 at the end of the year that those would be 7 reconciled; correct? 8 A. Yes. 9 Q. Okay. I want to go back to Exhibit 2. 10 That's your declaration of financial status. 11 A. Okay. 12 Q. Okay. So on page five of that -- I've got 13 to find where -- okay. Page five, Bates stamp 28. 14 A. Okay. 15 Q. At the top you show a total monthly income 16 of \$20,928. Do you see that? 17 A. Yes. 18 Q. And under declarant it's \$3,928. That's 19 for wages; right? 20 A. Yes. 21 Q. And then other income from all sources is 22 \$17,000; correct? 23 A. Yes. 24 Q. What is your source of income? How much 25 income do you get from whom to make up that \$17,000</p> |

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| <p style="text-align: right;">190</p> <p>1 figure?</p> <p>2 A. That's largely going to be -- for -- I</p> <p>3 think for 2018 as an example back to our last</p> <p>4 question, I think it was about \$210,000 was the</p> <p>5 amount of money that had been -- that I paid taxes</p> <p>6 on that I had taken from the company for my</p> <p>7 different bills.</p> <p>8 Q. So you're saying that you used the</p> <p>9 personal income that you received in 2018 to</p> <p>10 identify the income you were receiving from other</p> <p>11 sources for the November 11, 2020 declaration at</p> <p>12 Exhibit 2?</p> <p>13 A. No. I was just -- as an example of how</p> <p>14 that money gets accounted for, and I was making the</p> <p>15 point that the \$20,000 in total monthly income is</p> <p>16 roughly reflected in the 2018 number which I believe</p> <p>17 was like \$209,000.</p> <p>18 Q. Okay.</p> <p>19 A. Of income from me. So that would be</p> <p>20 income from Senvoy, largely from Senvoy and then TKM</p> <p>21 Investment Properties.</p> <p>22 Q. Okay. So I understand that you're</p> <p>23 offering up the income that you made in 2018 as a</p> <p>24 comparison. But I want to know specifically how you</p> <p>25 derived that \$17,000 by you identifying where the</p> | <p style="text-align: right;">192</p> <p>1 in banks because of fear of it being seized by the</p> <p>2 federal government. So did they pay you in cash or</p> <p>3 did they pay you -- how did they pay you?</p> <p>4 A. They paid us in checks for the last</p> <p>5 probably -- I don't remember specifically but we got</p> <p>6 three or four months of cash before we cut that off</p> <p>7 and got -- then they started paying us in checks.</p> <p>8 Q. So they did actually deposit their money</p> <p>9 in a bank account?</p> <p>10 A. Correct; yes.</p> <p>11 Q. Okay. That's a surprise for me. Thank</p> <p>12 you.</p> <p>13 A. Usually credit unions. State chartered</p> <p>14 credit unions, not federally funded banks.</p> <p>15 Q. Okay. I learn something every day.</p> <p>16 And as I understood you before, Brooke</p> <p>17 helped -- Ms. Wiggins helped you to fill out Exhibit</p> <p>18 2?</p> <p>19 A. Yes.</p> <p>20 Q. And Ms. Wiggins is the one paying all your</p> <p>21 credit cards; right?</p> <p>22 A. Yes.</p> <p>23 Q. So here's what I can't understand. Let's</p> <p>24 go to Bates stamp 30 on Exhibit 2.</p> <p>25 So that lists your credit card balance at</p> |
| <p style="text-align: right;">191</p> <p>1 income came from and how much income did you receive</p> <p>2 from each entity that provided that entity to you.</p> <p>3 A. I don't know but I can give an educated</p> <p>4 answer in that most of that is going to come from</p> <p>5 Senvoy.</p> <p>6 Q. Then I'm a little confused. So if we go</p> <p>7 back to the previous page of Exhibit 2, if you look</p> <p>8 at item K, it identifies your take-home pay per pay</p> <p>9 period is \$3,928.75, which to me is the wages that</p> <p>10 you earned.</p> <p>11 A. Yes.</p> <p>12 Q. And who did you earn those wages from?</p> <p>13 A. Senvoy.</p> <p>14 Q. Okay. So are you saying it would be</p> <p>15 shareholder distribution that would form that</p> <p>16 \$17,000?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. So let me ask you another question.</p> <p>19 Of course, I'm going to do so, more than one. When</p> <p>20 you were renting when you had full control over your</p> <p>21 buildings TKM Investments, was one of your renters a</p> <p>22 cannabis company, cannabis related?</p> <p>23 A. Two of them.</p> <p>24 Q. Two of them. Okay. And as I understand</p> <p>25 it, cannabis-related companies don't put their money</p> | <p style="text-align: right;">193</p> <p>1 \$12,000. And when I looked at your three -- or just</p> <p>2 two of your Capital One credit cards it was over</p> <p>3 \$20,000. And in fact, we stipulated to a</p> <p>4 spreadsheet that we gave you for the court, that was</p> <p>5 the same spreadsheet that we filed in the contempt</p> <p>6 motion that the numbers in there were true and</p> <p>7 correct because they were just simply copied from</p> <p>8 the bank statements in terms of balances, monthly</p> <p>9 payments, and purchases. So when I see numbers on</p> <p>10 your credit card statements don't match the numbers</p> <p>11 you put in your declaration, it causes me concern.</p> <p>12 So do you know why that number is so less</p> <p>13 than what your actual credit card balances were?</p> <p>14 A. No, I do not. It should be whatever it</p> <p>15 was as of this date would be what it is. It's</p> <p>16 fairly straightforward, so.</p> <p>17 Q. Right. And it's not.</p> <p>18 A. Yeah. I don't know why it wouldn't be.</p> <p>19 Q. And the other thing it showed was if you</p> <p>20 look back -- so let's stay on debts. Okay? You're</p> <p>21 a guarantor to a lot of debts; right?</p> <p>22 A. Yes.</p> <p>23 Q. But the only debt listed under section</p> <p>24 seven on page seven, Bates stamp 30 is that credit</p> <p>25 card debt. Given your position on promissory notes</p> |

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| <p style="text-align: right;">194</p> <p>1 and whatnot, you would know that that's incorrect;</p> <p>2 correct?</p> <p>3 A. Yeah, absolutely. I'm going to assume she</p> <p>4 saw credit card debts but I don't know.</p> <p>5 Q. It says debts to include credit card</p> <p>6 debts; right?</p> <p>7 A. Yeah, I don't -- clearly that's not even</p> <p>8 remotely --</p> <p>9 Q. Okay.</p> <p>10 A. -- when you're talking about all debt.</p> <p>11 Q. Now, I'm going to go to the next page,</p> <p>12 page eight. Bates stamp 31. Do you see the real</p> <p>13 property listed under that?</p> <p>14 A. Yes.</p> <p>15 Q. We've already talked about why lots 11,</p> <p>16 12, 14, and 15 were not included. And I see that</p> <p>17 there's a \$3.5 million Sunstone business finance</p> <p>18 debt there if you will; right?</p> <p>19 A. Yes.</p> <p>20 Q. And what I understood is that's not a real</p> <p>21 property debt; correct?</p> <p>22 A. It's not -- it's collateral for a chunk of</p> <p>23 land in Southeast Portland that is -- or that has</p> <p>24 been trying to be developed for years.</p> <p>25 Q. Right. And TK Investments -- who owns</p> | <p style="text-align: right;">196</p> <p>1 Q. Okay. So I'm going to start it over.</p> <p>2 So I asked Mr. Paternoster, I said I first</p> <p>3 thought this was related to your house, right,</p> <p>4 because it's located under real property.</p> <p>5 A. Yes.</p> <p>6 Q. So I said, well, did you pay it off?</p> <p>7 Because you didn't provide me any documents. He</p> <p>8 said, no, let me provide you the documents for that</p> <p>9 \$3.5 million debt. When he provided me the</p> <p>10 documents, I believe two promissory notes, they</p> <p>11 total \$3.5 million debt but the only debtor is TKM</p> <p>12 Land.</p> <p>13 MR. GARCIA: Is that correct, Mr.</p> <p>14 Paternoster?</p> <p>15 MR. PATERNOSTER: I think that's right.</p> <p>16 And then just to finish my thought, and counsel</p> <p>17 certainly can follow up with a question, I think the</p> <p>18 question then was, okay, well, if it's only -- if</p> <p>19 the documents only show TKM Land, why is it listed</p> <p>20 on this document? And I said I didn't know but I</p> <p>21 think I offered what was the speculation that it may</p> <p>22 have been because you were a guarantor on that</p> <p>23 property or something along those lines. I could be</p> <p>24 long.</p> <p>25 MR. GARCIA: But no documents were</p> |
| <p style="text-align: right;">195</p> <p>1 that land?</p> <p>2 A. TKM Land.</p> <p>3 Q. TKM Land?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Does TKM Land still own that?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So why is that investment listed on</p> <p>8 this declaration of financial status?</p> <p>9 A. Why isn't it?</p> <p>10 Q. Why is it? This \$3.5 -- so now I'm</p> <p>11 changing gears. I'm sorry. To why is this \$3.5</p> <p>12 million listed under real property for you and your</p> <p>13 spouse on Exhibit 2?</p> <p>14 A. I don't -- I don't know. I think the</p> <p>15 assumption was made -- I'm trying to think -- that</p> <p>16 we have the amount of the mortgages and then you</p> <p>17 have a guarantee, if you will.</p> <p>18 Q. Okay. Now, the document that Mr.</p> <p>19 Paternoster provided, or actually the two documents</p> <p>20 that he provided to me for that debt, it does not</p> <p>21 have -- it only has TKM Land as a debtor. And so I</p> <p>22 asked him why and he thought maybe you were debt but</p> <p>23 he hasn't provided me anything.</p> <p>24 A. I'm sorry; the TKM Land? I got lost</p> <p>25 there.</p> | <p style="text-align: right;">197</p> <p>1 provided to me.</p> <p>2 MR. PATERNOSTER: Yeah.</p> <p>3 MR. GARCIA: Showing that circumstance.</p> <p>4 MR. PATERNOSTER: And so again, maybe you</p> <p>5 can --</p> <p>6 BY MR. GARCIA:</p> <p>7 Q. So my question is, is the \$3.5 million</p> <p>8 lien, because of the two promissory notes, is that</p> <p>9 totally a debt of TLK (sic) Land?</p> <p>10 A. It's a debt of TKM Land within a guarantee</p> <p>11 from me.</p> <p>12 Q. Okay.</p> <p>13 A. Personally, that includes a lien on my</p> <p>14 primary residence.</p> <p>15 Q. Okay. Do you have a document to that</p> <p>16 effect?</p> <p>17 A. It wasn't in the promissory notes?</p> <p>18 MR. PATERNOSTER: I'll have to look.</p> <p>19 THE WITNESS: I thought we provided -- I</p> <p>20 mean, why would we give the notes and not -- that</p> <p>21 doesn't make any sense. Yeah, I mean, I would have</p> <p>22 thought it would be -- we would have made the</p> <p>23 assumption it was inside of those promissory notes.</p> <p>24 BY MR. GARCIA:</p> <p>25 Q. Well, I want back to Mr. Paternoster with</p> |

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| <div style="text-align: right;">206</div> <p>1 CERTIFICATE</p> <p>2</p> <p>3 I, Jordan Weems, do hereby certify that I reported all</p> <p>4 proceedings adduced in the foregoing matter and that the</p> <p>5 foregoing transcript pages constitutes a full, true,</p> <p>6 and accurate record of said proceedings to the best of</p> <p>7 my ability.</p> <p>8</p> <p>9 I further certify that I am neither related to</p> <p>10 counsel or any part to the proceedings nor have any</p> <p>11 interest in the outcome of the proceedings.</p> <p>12</p> <p>13 IN WITNESS HEREOF, I have hereunto set my hand this</p> <p>14 28th day of October, 2021.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 /S/ Jordan Weems</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <div style="text-align: right;">208</div> <p>1 DECLARATION</p> <p>2 Deposition of: Gerald E. Brazie, Jr. Date: 10/14/21</p> <p>3 Regarding: Secretary of Labor vs. Senvoy, LLC</p> <p>4 Reporter: Weems/Morrison</p> <p>5 _____</p> <p>6</p> <p>7 I declare under penalty of perjury the following to</p> <p>8 be true:</p> <p>9</p> <p>10 I have read my deposition and the same is true and</p> <p>11 accurate save and except for any corrections as made</p> <p>12 by me on the Correction Page herein.</p> <p>13</p> <p>14 Signed at _____,</p> <p>15 on the _____ day of _____, 2021.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24 Signature _____</p> <p>25 Gerald E. Brazie, Jr.</p> |
| <div style="text-align: right;">207</div> <p>1 CORRECTION SHEET</p> <p>2 Deposition of: Gerald E. Brazie, Jr. Date: 10/14/21</p> <p>3 Regarding: Secretary of Labor vs. Senvoy, LLC</p> <p>4 Reporter: Weems/Morrison</p> <p>5 _____</p> <p>6 Please make all corrections, changes or clarifications</p> <p>7 to your testimony on this sheet, showing page and line</p> <p>8 number. If there are no changes, write "none" across</p> <p>9 the page. Sign this sheet on the line provided.</p> <p>10 Page Line Reason for Change</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Signature _____</p> <p>25 Gerald E. Brazie, Jr.</p> | |